

EXHIBIT B

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

BOURNE CO.,)

Plaintiff,)

vs.)

TWENTIETH CENTURY FOX FILM)

CORPORATION, FOX BROADCASTING)

COMPANY, TWENTIETH CENTURY FOX)

TELEVISION, INC., TWENTIETH)

CENTURY FOX HOME ENTERTAINMENT,)

INC., FUZZY DOOR PRODUCTIONS,)

INC., THE CARTOON NETWORK, INC.,)

SETH MAC FARLANE, WALTER MURPHY,)

Defendants.)

COPY

) No. 07 CIV. 8580 (DAB)

DEPOSITION OF

RICKY BLITT

TAKEN ON

MONDAY, MARCH 10, 2008

Reported by:

Daryl Baucum, RPR, CRR, CBC, CSR No. 10356

1 A. Okay.
 2 Q. I will find it for you. Here you go.
 3 Do you know what this document is?
 4 A. Let me look at this for a second.
 5 Q. Sure, sure. Take your time.
 6 A. Okay. Yeah, this is the first -- it ended up
 7 changing significantly, but the first draft that I did
 8 in this thing. This was the outline I guess that was
 9 probably submitted -- Lianne Siegel, who is a creative
 10 executive for 20th Century Fox. We always had to
 11 present a synopsis of our stories to them to get
 12 approval. This is the first version. This is not the
 13 version that ended up appearing, but this was a synopsis
 14 of an outline of what we had intended to do with the
 15 episode.
 16 Q. Did you write this particular synopsis?
 17 A. No, that was -- that was always -- that was
 18 never the responsibility. At the time that I worked,
 19 there, I was either a story editor or coproducer on the
 20 show, which is -- as I have come to realize when I was
 21 exec produce my own shows, it's the exec producer that
 22 has the liaison with the network or the studio. So they
 23 will -- they will come back and report to me what
 24 happened, but I would never -- I wouldn't write this and
 25 I wouldn't be on the phone with them when they are

1 pitching it to them.
 2 Q. Was there a time that this particular episode
 3 was assigned to you?
 4 A. Yes.
 5 Q. And when did that happen?
 6 A. It happened before we -- there is always a
 7 procedure called story breaking where all the writers
 8 get together and we work out the outline of the story
 9 before a writer is sent off.
 10 I remember at the beginning Seth came to me and
 11 said he thought my sensibility was a little bit offbeat.
 12 So he said Seth had a idea for this Jewish episode and
 13 he just said "I think you should write it."
 14 So I was paying extra attention. We were all
 15 in the room breaking the story knowing I would have the
 16 responsibility of writing.
 17 Q. So he just thought that your sensibilities,
 18 your style, was a good match?
 19 A. When I said the thing about the Special
 20 Olympics, he knew that I was somebody who writes things
 21 that could be like, oh, my god, and when you heard them
 22 go oh, I see, there is actually -- you know, that it
 23 could be handled delicately whatever.
 24 Q. At this point in the creation of the episode,
 25 was there a title associated with the episode?

1 A. Very early on before I went off to write the
 2 draft, we would break a story, and once the outline was
 3 totally broken, the writer would go off to write it.
 4 From the beginning, I knew that I was going to
 5 call it "When You Wish Upon A Weinstein."
 6 Q. And why was that?
 7 A. Early on in the story, breaking story, one of
 8 the things that was floated out is -- I think Seth or
 9 somebody had talked about how it would fun to parody,
 10 you know, like the "When You Wish Upon A Star" just to
 11 get at the total innocence of it with this ridiculous,
 12 out-there kind of lyrics that we would put in that body
 13 which got me thinking okay, that would be a funny title.
 14 If they're going to go in that direction with
 15 that kind of parody, then it got me thinking of the
 16 title, you know, "When You Wish Upon a Weinstein," which
 17 is sort of a parody of that "When You Wish Upon A Star".
 18 Q. And where would that conversation have taken
 19 place?
 20 A. In the writers room. In the writers room, when
 21 everybody gathers together to work out the outline of a
 22 story, what they do is put a bunch of index cards and
 23 work out the story beat by beat, moment by moment.
 24 So to be honest, I can't a hundred percent
 25 remember the chronology of who said what, but I remember

1 it being discussed it would be funny to have -- since
 2 it's like a fairy tail, why not go after the song that's
 3 almost iconic for the innocence of another era, and that
 4 would be "When You Wish Upon A Star."
 5 Q. And was that concept discussed later on as the
 6 story went on repeatedly or was it just at the beginning
 7 you talked about it?
 8 A. It was more at the beginning because later on,
 9 when I went off to write the script -- my specialty
 10 isn't writing music or lyrics. So I kind of left that
 11 part of the script bare.
 12 So in "Family Guy," you would take -- there
 13 three or four writers will go off into another room and
 14 they will write it. So it sort of came into play later
 15 on when people went off to write that song and then put
 16 it into the script.
 17 Q. And who -- do you remember who went off and
 18 wrote that song?
 19 A. Seth was involved, and that that's just too
 20 hard to remember, unfortunately, because I would only
 21 remember something which if I was involved in that
 22 group, but they broke into a smaller group.
 23 Q. So you weren't directly involved in writing the
 24 lyrics to "I Need A Jew"?
 25 A. No, no.

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1 Q. After the time of this breakout session that
 2 you have described, is that something that -- I take it
 3 that only takes place after this pitch is done, after
 4 this description is --
 5 A. No, that's before.
 6 Q. Okay.
 7 A. In other words, what happens is let's say
 8 somebody has an idea for something. Then, you know,
 9 funny thing is it's a good question. I am actually
 10 trying to remember.
 11 Sometimes what we'll do is we will fully break
 12 a story to make sure that we feel it can work and then
 13 once we feel confident, oh, this whole thing does work,
 14 then we will get on the phone to the studio network and
 15 then you won't go over every beat but will consolidate
 16 it into a paragraph just to see if they will sign off.
 17 Sometimes we will think of a brief thing and
 18 just say what if they don't go for the idea, let's not,
 19 waste our time breaking the story. And with this one, I
 20 honestly can't remember how it worked.
 21 Q. Now, if you look at the description that's in
 22 this -- you mentioned this is an earlier version. It's
 23 not really --
 24 A. It's not what would air.
 25 Q. Why did it change? Do you remember?

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1 A. Yeah, I mean I wrote this version truthfully
 2 and it was kind of too silly in a way, and I remember
 3 the exact discussion with Seth is after we did, and we
 4 always have a table reading when all the actors
 5 congregate and read it and it didn't go over
 6 fantastically.
 7 And I remember Seth saying, you know what, if
 8 it's going to have an element of controversy to it with
 9 the risqué kind of topic, then it's got to be so funny
 10 and everything has got to be so tight.
 11 So we started kicking around a way to fix the
 12 story, and I had a bit of an idea for and we talked
 13 about it and they let me go off and write a total second
 14 draft I took in another direction.
 15 Q. What was that idea that came to you? How did
 16 you express it?
 17 A. As far as I could remember, it was the idea
 18 that it was more about Peter being bad with money and
 19 disappointing his wife. So we felt if he had a Jewish
 20 expert that could give him back his dignity -- I had an
 21 idea to sort of like the movie "The Graduate, like have
 22 him taking his son to be bah mitzvah'd and then going to
 23 break up the bah mitzvah like they broke up the wedding.
 24 And it was always guided by the epic thing of
 25 the, you know, "When You Wish Upon A Star," that that

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1 innocence of somebody -- him dreaming of this Jewish
 2 person to come in and make all of his dreams possible
 3 for him and his son and all like that.
 4 Q. So did you have lead -- other than the part of
 5 the lyrics of the song that was done by another team,
 6 were there any parts of the story as it developed that
 7 were done primarily by people other than yourself?
 8 A. No, the way it works is when you finish a
 9 script, you hand it in. As I told them before, my
 10 expertise wasn't the song. So I was going to leave that
 11 bare and let them do it, but other than that, what you
 12 do is you hand it in and then all the writers gather
 13 together to punch it up and to improve jokes and to do
 14 things, but everything else represented at least tweaks
 15 on what I did originally.
 16 Q. Were you involved in the standards and
 17 practices clearance process for the episode?
 18 A. No.
 19 Q. When was the idea for actually having the song
 20 in the episode first conceived?
 21 A. The way I remember it, it was from the very
 22 outset that we were thinking of this fantastical story,
 23 and it just became -- it was one of the first thoughts
 24 that was floated out, that it would just be funny to do
 25 this.

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1 If we're going to do something as silly as
 2 somebody thinking that it's -- having some racist views
 3 or ignorant views on Jewish people, that it might be
 4 funny to put that in the body of the most pure and
 5 innocent and sweet and almost saccharin song
 6 representing another era.
 7 So it was from the beginning, because that's
 8 why -- that's how I think I came up with the title of
 9 "When You Wish Upon Weinstein." It's like since the
 10 title came even before the first draft I wrote, it
 11 was -- okay.
 12 They're talking about if they want to use that
 13 song and invoke that kind of innocence, the
 14 juxtaposition of what he is saying with that kind of
 15 innocence, then that informed my choice of a title
 16 almost from the beginning.
 17 Q. Now, do you view the content of the episode as
 18 antisemitic?
 19 A. No, emphatically not. I am Jewish and I
 20 wouldn't have done it -- the joke was clearly -- and
 21 it's always the test. When I told you about the Special
 22 Olympics thing, at the end of it, we didn't get any
 23 controversy.
 24 We even had a rabbi actually look at the script
 25 before and he said this is fine, this isn't offensive.

1 Q. Were you involved in that process?
 2 A. No, I was informed that they would do things
 3 like that, but once again, as sort of a junior writer on
 4 the show, I was never privy to those things directly.
 5 Q. Did you hear about more than one rabbi that was
 6 asked for their opinion?
 7 A. That, I wouldn't know. I think everybody knew
 8 that our heart was in the right place, that they were
 9 doing something that was so overwhelmingly clear --
 10 unless somebody is antisemitic or has hate in their
 11 heart, there was no question about it, that it was this
 12 Jewish man is totally reasonable and Peter is an idiot,
 13 an ignorant for person, for thinking that all people
 14 were going to be the same.
 15 And unified by that, we just knew that was --
 16 just we didn't -- didn't fear -- we knew our heart was
 17 in the right place with it.
 18 Q. So how would you describe the overall theme of
 19 the episode?
 20 A. About somebody having an ignorant view,
 21 stereotyping people and learning a lesson at the end
 22 that -- it even says it in the dialogue at the end, "I
 23 got what you are saying Lois, the Jewish are no better
 24 or no worse."
 25 It's not the way an ABC after-school special

1 would do it, but it's getting at a nice theme in an edgy
 2 way.
 3 (Plaintiff's Exhibit 30 was
 4 marked for identification.)
 5 BY MR. FAKLER:
 6 Q. I would like to show you a document I have
 7 marked as Plaintiff's Exhibit 30, and let me know if you
 8 have seen this document before.
 9 A. Yeah, I actually remember signing this, also.
 10 I remember, yeah.
 11 Q. And what is it?
 12 A. Somebody had called me at the time from
 13 20th Century Fox. To be honest, I don't remember the
 14 specific as to why they needed this, but I just
 15 understood them to say this is a standard thing that you
 16 need to do. And I remember explaining even to whoever
 17 it was that called me -- I said, "By the way, that's the
 18 one part of the episode that I didn't write," but they
 19 just said no, this is just an umbrella thing we need for
 20 whatever purposes they did. And I just took it on faith
 21 that there would be nothing wrong having explained that
 22 when they said they wanted to sign that I figured that
 23 is fine.
 24 Q. And this was signed a few years after the
 25 episode was written?

1 A. What year does it say? 2003, yeah. I mean I
 2 left the show in somewhere between 2000 and 2001, I
 3 think. I think that I left because this is at least a
 4 couple of years after I left the show.
 5 Q. Got you.
 6 Is the song "I Need A Jew" related to the
 7 overall theme of the episode?
 8 A. Yes.
 9 Q. How?
 10 A. Well, it's -- I guess it speaks to his -- the
 11 ignorance of his views, the fact that he thinks
 12 something will solve his problems and that he's looking
 13 at it in a stereotypical kind of way.
 14 Q. What -- what things does the song make fun of?
 15 A. Well, it makes -- it sort of makes fun of
 16 ignorant views on a religion in the body. That's why
 17 the song was so important for us -- in the body of the
 18 most innocent, pure, sweet and saccharin kind of song.
 19 Like anything -- doing it another way would have made it
 20 appear ugly. We got the comedic value of it. It's like
 21 Archie Bunker singing some of his views on people which
 22 comes out of ignorance and you are doing it under the
 23 body of a fairy tale song.
 24 I can't think of any more sweet and hopeful and
 25 pure song than "When You Wish Upon A Star."

1 Q. So do you think the song makes fun of the
 2 original "When You Wish Upon A Star"?
 3 A. The song? Sorry, the song?
 4 Q. "I Need A Jew," do you think it makes fun of
 5 "When You Wish Upon A Star"?
 6 A. It's just weird because you can describe it in
 7 different ways. It's not like -- there's a type of
 8 parody that is done when you are mercilessly trying to
 9 mock. What you are doing here, it's more like you are
 10 using it in kind of a wink to evoke the other things
 11 that you are mocking with, you know, his ignorant views
 12 sung in that song.
 13 It's like -- you know, it's not intended to
 14 skewer the song and just say we think it's a bad song
 15 and we're making fun of it. It's the perfect song
 16 because it's of another era and it's a song about
 17 wishing, and usually you are working for world peace or
 18 the world to be perfect, and this guy is wishing for a
 19 Jew who is good with money to come into his life.
 20 So it's like that's the juxtaposition that
 21 makes it funny, and, you know, it's just sort of like a
 22 direct through-line that when you are parodying
 23 something, you just need to put it in the perfect body
 24 or else it won't work, and that was the perfect body for
 25 us was the song.

1 Q. Would you say it was a perfect vehicle to make
2 fun of the antisemitic -- the ignorant -- Peter's
3 ignorance?

4 A. Absolutely, yes.

5 Q. Are there any other things that the song makes
6 fun of?

7 A. You know --

8 MR. ZAVIN: Objection; he already testified
9 that it makes fun of the song, itself. That was his
10 first testimony.

11 MR. FAKLER: I just asked are there any other
12 things that the song makes fun of.

13 MR. ZAVIN: Other than the two he has testified
14 to?

15 MR. FAKLER: Exactly.

16 THE WITNESS: I don't believe so. Keep in mind
17 for me it would almost be totally conjecture because I
18 wasn't in that room writing the song, but just as a
19 comedy around the show just seems like that as far as I
20 understood it, that's what we were using it to parody.

21 BY MR. FAKLER:

22 Q. And how does the audience get the joke when
23 they experience the song in the context of the episode?

24 MR. ZAVIN: Objection. Obviously, he can't
25 answer the question how the entire audience gets the

1 joke.

2 MR. FAKLER: You can answer the question.

3 MR. ZAVIN: Are you saying he is competent to
4 answer that question?

5 MR. FAKLER: I am saying I asked the question.
6 He can answer it in the deposition. We can argue with
7 the judge about whether it's admissible or not.

8 MR. ZAVIN: If you know how the entire audience
9 is getting the joke, you can answer the question.

10 THE WITNESS: I can only answer to how I think
11 they should, and I think they should get the fact that
12 we're making fun of an ignorant person's views.

13 BY MR. FAKLER:

14 Q. So is it the outrageousness of the lyrical
15 content that is sort of the cue to the audience this is
16 not to be taken seriously?

17 Is that what you mean?

18 A. And helped along by the song we are using here
19 is sweet, innocent, pure, and here is lyrics that are
20 impure, here is lyrics that are small and ignorant. So
21 that's sort of it.

22 Q. Now, you said you weren't involved in -- were
23 you involved in any conversations with people at Fox
24 about justifying the content of the --

25 A. No.

1 Q. -- episode?

2 Have you ever discussed the song publicly in a
3 public forum?

4 A. Good question. I am trying to think if I --
5 you know, I don't think so. I think I have discussed it
6 like with friends and stuff but -- well, only to the
7 extent we performed it live, you know, at the Wiltern
8 Theater at the comedy festival in Montreal, and I
9 couldn't tell you for sure if people asked me anything
10 because it wasn't really a Q and A kind of thing. We
11 perform it on stage and then like Seth would introduce
12 me about "The Ringer" or people would ask me questions
13 about my movie or something.

14 The answer to that is no, I don't think so. I
15 don't think I ever answered the question publicly about
16 it.

17 Q. Were you -- you were -- you're aware that the
18 episode was released on DVD?

19 A. Yes.

20 Q. And a commentary track was put together for
21 that?

22 A. Yes.

23 Q. Did you participate in that?

24 A. I participated in a -- I did, yes.

25 Q. Who asked you to do that?

1 A. Seth, Seth MacFarlane.

2 Q. Did you discuss with anyone -- plan out the
3 content of the commentary session before doing it?

4 A. No, it was fairly loose. We would go in there
5 and then kind of like say what you want to say and we
6 just kind of were making dumb jokes together, so.

7 Q. And do you know if the commentary track was
8 edited at this time any point?

9 A. I don't because I never listened and I actually
10 never listened to the audio track myself.

11 Q. So you never heard it --

12 A. I participated and I have no idea what they
13 chose to leave in or leave out.

14 Q. Did you have any involvement in the musical end
15 of the song?

16 A. No, not at all.

17 Q. Not at all?

18 A. Not my area of expertise.

19 Q. In one of the versions of the story you
20 mentioned before that it was a sort of spoof on "The
21 Graduate" at the end?

22 A. Yes.

23 Q. Was there an idea of using music from "The
24 Graduate" in the episode at some point?

25 A. A little -- well, only I think sort of a slight