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7

**FILED**  
Superior Court of California  
County of Los Angeles

**AUG 29 2017**

Sherri B. Carter, Executive Officer/Clerk  
By Marlon Gomez Deputy

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
9 FOR THE COUNTY OF LOS ANGELES — CENTRAL DISTRICT

10 OLIVIA DE HAVILLAND, DBE, an  
11 individual,

12 Plaintiff,

13 v.

14 FX NETWORKS, LLC, a California limited  
liability company; PACIFIC 2.1  
15 ENTERTAINMENT GROUP, INC., a  
California corporation; and DOES 3 through  
16 100, inclusive,

17 Defendant.

CASE NO. BC 667011

Date: September 29, 2017  
Time: 8:30 a.m.  
Location: Dept. 42  
Judge: Honorable Holly E. Kendig

Reservation Number: 170727238249

**DECLARATION OF RYAN MURPHY IN  
SUPPORT OF MOTION OF  
DEFENDANTS FX NETWORKS, LLC  
AND PACIFIC 2.1 ENTERTAINMENT  
GROUP, INC. TO STRIKE PLAINTIFF  
OLIVIA DE HAVILLAND  
MEMORANDUM OF POINTS AND  
AUTHORITIES IN SUPPORT OF THEIR  
MOTION PLAINTIFF'S THIRD  
AMENDED COMPLAINT PURSUANT  
TO CALIFORNIA'S ANTI-SLAPP  
STATUTE, CODE CIV. PROC. § 425.16**

[Notice of Motion, Motion, Memorandum of  
Points and Authorities in Support Thereof;  
Declarations of Timothy Minear, Michael  
Zam, Stephanie Gibbons, James Berkley, and  
exhibits to each; and Notice of Lodging filed  
concurrently]

File Date: June 30, 2017  
Trial Date: None set

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Silberberg &  
Knupp LLP

1 **DECLARATION OF RYAN MURPHY**

2 I, RYAN MURPHY, declare:

3 1. I am a co-creator, an executive producer, a writer, and a director of *FEUD: Bette*  
4 *and Joan*. Unless otherwise noted, I have personal knowledge of the following facts and, if called  
5 and sworn as a witness, could and would competently testify thereto under oath.

6 **Professional Background**

7 2. I have worked in television as a producer, writer, and director for over two decades.  
8 I began screenwriting in the late 1990s. My career in television began with the teen comedy series  
9 *Popular* (1999-2001). Since then, I have created, produced, directed, and written a number of  
10 other successful television shows, including *Nip/Tuck* (2003-2010); *Glee* (2009-2015); *American*  
11 *Horror Story* (2011-present); *American Crime Story* (2016-present); and *FEUD: Bette and Joan*  
12 (2017).

13 3. *FEUD: Bette and Joan* is the first season of a larger anthology television series  
14 concept that I created. An anthology series is a television series that presents a different world,  
15 story, and set of characters in each season. My television series *American Horror Story* and  
16 *American Crime Story* are other examples of anthological series.

17 4. The *FEUD* series dramatizes different real-life historical “feuds” or relationships in  
18 an effort to explore the human dilemma of pain and misunderstanding. The first season, *FEUD:*  
19 *Bette and Joan*, focused on the legendary rivalry between Joan Crawford and Bette Davis,  
20 primarily during their work together on the film *What Ever Happened to Baby Jane?*. Indeed, the  
21 thesis statement of *FEUD: Bette and Joan* – “You meant all this time we could have been friends”  
22 – was inspired by a final line from that film. Every episode, resultantly, explored an idea in which  
23 I believe a great deal, which is that women, or any minority, are STRONGER when united. To  
24 me, the show was expressly created to inspire and uplift women and other minority groups, and  
25 hopefully serve to show them the importance of solidarity and unification.

26 5. The second season of *FEUD*, which I expect to premiere in 2018, is currently titled  
27 *FEUD: Charles and Diana*, and will focus on the relationship between Charles, Prince of Wales,  
28 and Diana, Princess of Wales.

1           6.        *FEUD: Bette and Joan* (hereafter, “*Feud*”) is a docudrama – in other words, a  
2 dramatization of the real-life rivalry between the two actresses. It is not the first docudrama I have  
3 created or worked on in my television career. For example, *American Crime Story* is also a  
4 docudrama, which focuses on famous crimes. Season 1 of *American Crime Story* dramatized the  
5 murder trial of O.J. Simpson. Season 2 will dramatize the serial killer Andrew Cunanan’s murder  
6 of fashion designer Gianni Versace.

7        **Conceiving *Feud***

8           7.        I have long had an interest in Bette Davis, with whom I share a personal connection.  
9 When I was younger, I sent Ms. Davis a letter, and she actually responded. We struck up and  
10 maintained a pen-pal relationship, which culminated in Ms. Davis, in the last months of her life,  
11 inviting me to Los Angeles to interview her. The interview lasted four hours, during which time  
12 we explored a number of topics. Many of the moments in *Feud* were my dramatizations of  
13 personal anecdotes told to me by Ms. Davis. For example, how she rubbed her Oscar(s) raw until  
14 the gold plating rubbed off. She told me expressly of her friendship with Olivia de Havilland, and  
15 her admiration for her. This tone, this insight of Ms. de Havilland as a woman of morals and true  
16 values – a Rock of Gibraltar for Ms. Davis – is expressed repeatedly and lovingly in *Feud*.

17           8.        In or around 2009, I came across a motion picture screenplay written by Jaffe  
18 Cohen and Michael Zam titled *Best Actress*, which centered on the rivalry between Ms. Davis and  
19 another iconic actress, Joan Crawford. I optioned the script, and I later purchased all rights in and  
20 to it. Around that time, I met with Susan Sarandon to play Ms. Davis and Jessica Lange to play  
21 Ms. Crawford. They were both interested in being involved. The project, however, was on hold  
22 for the next six years because I was considering the best way in which to present the material.

23           9.        In or around 2015, I realized that the project should be a television series and that I  
24 could use it to address modern issues affecting women in Hollywood – sexism, the glass ceiling,  
25 how men pit women against each other, and how it seems as if there is only room in our culture  
26 for one successful woman at a time in an individual field. I also wanted the show to speak about  
27 how women in Hollywood have a limited career “life span,” whereas their male counterparts  
28 continue to thrive as they age. These are topics in which I am personally interested and that I try

1 to address in real life. For example, I founded the Half Foundation which, among other things, is  
2 committed to ensuring that half of all episodes that I produce are directed by women, people of  
3 color, or members of the LGBTQ community.

4 10. It was my hope that *Feud* could also represent a breakthrough for women in film  
5 and television, as it would feature two older women in the lead roles (Sarandon as Davis and  
6 Lange as Crawford), who would also be producers, include numerous other roles for women over  
7 forty, and deal with issues such as misogyny, sexism and ageism.

8 **Writing *Feud***

9 11. After conceiving of *Feud*, I pitched it to John Landgraf at FX, who greenlit it  
10 almost immediately. I assembled a writing team, which included Tim Minear and me, and later,  
11 Gina Welch. I worked on all eight episodes of *Feud*, and I received “written by” credit on two  
12 episodes (Episode 1: “Pilot” (along with Cohen and Zam) and Episode 5: “And the Winner Is...”).

13 12. In addition to my own knowledge about the life of Bette Davis and the era known  
14 as the Golden Age of Hollywood, the writing team and writers’ assistants heavily researched the  
15 lives of Ms. Davis and Ms. Crawford and the history of the Crawford-Davis feud, the making of  
16 the motion picture *What Ever Happened to Baby Jane?*, and the lives of the secondary and lesser  
17 characters who appear in *Feud*. Like with *The People v. O.J. Simpson*, for *Feud*, we looked at  
18 each real life character as a public figure; people whose personal stories and histories were played  
19 out and documented in the press for decades.

20 13. We relied on this research to create a dramatic narrative through which to tell the  
21 story of Ms. Davis and Ms. Crawford’s historic rivalry. This included imagining private moments  
22 between the show’s characters. In doing so, we also wanted to make sure the show would appeal  
23 to a modern audience. I am aware that Tim Minear has gone into more detail about this research  
24 in his declaration, so I will not repeat what Tim said here.

25 14. I will add, however, that scenes were only written after hours of vetting and  
26 research. The scenes involving the Olivia de Havilland character (played in the show by Catherine  
27 Zeta Jones) were no exception; those scenes were treated with the utmost care and respect. We  
28 endeavored in good faith to ensure that the dialogue from Zeta-Jones’ characterization of de

1 Havilland was based on comments, sentiments and tonal emotions expressed through the years by  
2 Ms. de Havilland herself. If we could not support the dialogue, tone or sentiment, the scene would  
3 not be used. For example, in Episode 5 of *Feud*, we portray the de Havilland character discussing  
4 the moment from the 1947 Oscars where Ms. Fontaine unsuccessfully attempted to congratulate  
5 Ms. de Havilland on winning the award for Best Actress. In doing so, we had the de Havilland  
6 character give her point of view – that she was not turning away out of spite but was caught up in  
7 the moment of winning an Oscar and was excited, and that it was the media, not Ms. de Havilland,  
8 who made this innocent moment into the sad beginnings of a fight. Through this and other scenes,  
9 we expressed Ms. de Havilland’s belief, a belief she communicated in numerous public statements  
10 and interviews, that she felt unnecessarily villainized by the press and her sister.

11 15. The de Havilland character was scrupulously written to be nuanced and consistent  
12 with the historical record. While I understand Ms. de Havilland alleges that she was portrayed as  
13 a gossip, the opposite is true: she is portrayed as a wise, respectful friend and counselor to Bette  
14 Davis, and a Hollywood icon with a unique perspective on the past. She serves as a voice of  
15 reason who informs the audience about two iconic actresses, sexism in Hollywood, female  
16 empowerment, and media manipulation. Indeed, it would have been inconsistent with *Feud’s*  
17 narrative to have portrayed Ms. de Havilland as a gossip or otherwise negatively. The de  
18 Havilland character served as a counterbalance to the more volatile Davis and Crawford and also  
19 as an objective, authoritative bridge to the viewer. Put differently, it was important that viewers  
20 trust the de Havilland character, and viewers would not trust a gossip.

21 16. Additionally, the de Havilland character repeatedly counsels the volatile Davis to  
22 take the upper hand and be a lady, urging Davis to not give the press the vitriol they want and to  
23 not publicly debase other women. This sentiment is stated several times in our narrative. A good  
24 example is one of the scenes that Ms. de Havilland complains about in her lawsuit: the scene in  
25 Episode 5 in which Davis is having a private moment with de Havilland. In the course of this  
26 conversation, Zeta-Jones’s de Havilland character encourages Davis to take the high road and not  
27 fuel the press coverage of her rivalry with Crawford by responding with “no comment.” In doing  
28 so, the de Havilland character references her sister, actress Joan Fontaine, with whom de

1 Havilland had her own notorious feud, and says “You know what my bitch sister has taken to  
2 telling the press? That I broke her collarbone when we were children. Can you imagine?” (This  
3 information about the broken collarbone was not invented; it was written about in several books,  
4 including one by de Havilland’s sister, Fontaine.)

5 17. I wrote this scene. In doing so, I knew that Ms. de Havilland had no love lost for  
6 her sister and had called her “Dragon Lady” in an AP interview in 2016. I used the word “bitch,”  
7 however, because, in my mind, the terms *dragon lady* and *bitch* generally have the same meaning,  
8 but “bitch” would be more recognizable to the audience than “Dragon Lady.” I also knew that  
9 Ms. de Havilland reportedly had a conversation with director Robert Aldrich in which she said  
10 words to the effect of “you know how much I hate to play bitches. They make me *so* unhappy.”

11 18. Additionally, I had the de Havilland character refer to her sister as a “bitch”  
12 because it was a powerful and succinct way to convey the deep enmity between de Havilland and  
13 Fontaine. I was familiar with the history of the sisters’ fraught relationship, including the famous  
14 photograph from the 1947 Oscars that captured the moment where Ms. Fontaine unsuccessfully  
15 attempted to congratulate Ms. de Havilland. Just as a picture is worth a thousand words and can  
16 shine light on the essence of a relationship, so too I believed that having the de Havilland character  
17 refer to her sister as “bitch” would capture decades of animosity in a single word. Because the de  
18 Havilland/Fontaine rivalry was not the focus of *Feud*, I felt I needed to communicate it to the  
19 audience in an economical manner, as is typical of the time constraints of a television episode. I  
20 felt that the “bitch sister” line would accomplish that effectively. This storytelling approach  
21 allowed me to convey that Ms. de Havilland had her own feud, without spending too much time  
22 on the backstory of a minor character.

23 19. While creating the show, I believed we were creating a positive tribute to the  
24 careers of Ms. Davis and Ms. Crawford. I also wanted to portray Ms. de Havilland positively as  
25 she is a woman I deeply admire to be virtuous, courageous, and a feminist who fought for the  
26 rights of other women in Hollywood.

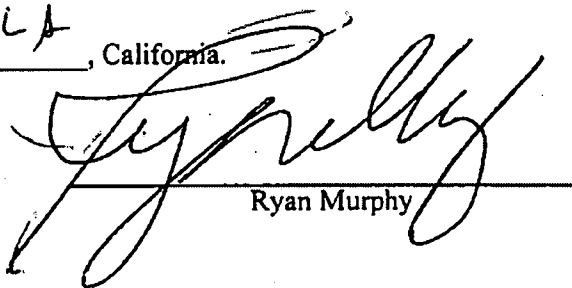
27 20. Our portrayal of Ms. de Havilland was consistent with our understanding of her  
28 personality and acts, as reflected in interviews she gave and her memoir, as well as in stories

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reported on by the media and in numerous biographies. In fact, I believe that our portrayal of Ms. de Havilland was complimentary.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 29 day of August, at LA, California.



Ryan Murphy

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Mitchell  
Silberberg &  
Knapp LLP