

1 MITCHELL SILBERBERG & KNUPP LLP
2 ROBERT H. ROTSTEIN (SBN 72452), rxr@msk.com
3 AARON M. WAIS (SBN 250671), amw@msk.com
4 EMILY F. EVITT (SBN 261491), efe@msk.com
5 11377 West Olympic Boulevard
6 Los Angeles, CA 90064-1683
7 Telephone: (310) 312-2000
8 Facsimile: (310) 312-3100

9 Attorneys for Defendants
10 FX Networks, LLC and
11 Pacific 2.1 Entertainment Group, Inc.

FILED
Superior Court of California
County of Los Angeles

AUG 29 2017

Sherril B. Carter Executive Officer/Clerk
By Marlon Gomez Deputy

12 SUPERIOR COURT OF THE STATE OF CALIFORNIA
13 FOR THE COUNTY OF LOS ANGELES — CENTRAL DISTRICT

14 OLIVIA DE HAVILLAND, DBE, an
15 individual,

16 Plaintiff,

17 v.

18 FX NETWORKS, LLC, a California limited
19 liability company; PACIFIC 2.1
20 ENTERTAINMENT GROUP, INC., a
21 California corporation; and DOES 3 through
22 100, inclusive,

23 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 MICHAEL ZAM 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 and Memorandum
in Support Thereof; and Declarations of Ryan
Murphy, Timothy Minear, Stephanie
Gibbons, James Berkley, and exhibits to each;
Notice of Lodging and manually lodged
exhibits filed concurrently]

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

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DECLARATION OF MICHAEL ZAM

I, Michael Zam, declare:

1. I am a writer and producer. Unless otherwise noted, I have personal knowledge of the following facts and, if called and sworn as a witness, could and would competently testify thereto.

2. For decades, I have written scripts for film, television and stage productions. My credits include scripts for Dreamworks and Plan B, as well as the book for the Off-Broadway musical *The Kid*, which was based on a memoir by the writer Dan Savage. Additionally, I teach screenwriting, television writing, and film and theater studies at NYU.

3. In particular, I am the co-author of a screenplay titled *Best Actress*, which I wrote with my friend and sometimes writing partner, Jaffe Cohen, several years ago. We ultimately optioned and then sold *Best Actress* to writer and producer Ryan Murphy. I understand he used it as a jumping-off point for the FX Network television series *Feud: Bette and Joan*.

4. Jaffe and I received "created by" credits for *Feud*, and we also received "written by" credits for Episode 1 (the pilot) and Episode 2 ("The Other Woman"), which drew from the *Best Actress* screenplay. Additionally, we were invited to write Episode 7 of *Feud* ("Abandoned!"), with the help of the other writers in the *Feud* writers room, and we received "written by" credits for that episode, too. Along with Ryan Murphy, we have been nominated for an Emmy award for "Outstanding Writing for a Limited Series, Movie or a Dramatic Special" for the *Feud* pilot. A true and correct copy of the *Best Actress* screenplay, dated February 16, 2015, is attached hereto as **Exhibit 1** and incorporated by reference herein.

Creation of *Best Actress*

5. Jaffe and I have always been movie fanatics, including devoted fans of classic films. Several years ago, we had the idea to do a project about two actresses in conflict, and focused on Bette Davis and Joan Crawford, who had a well-known rivalry. We were both fans of

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1 Davis's career, and were familiar with her feud with Crawford as a result of our love of movies
2 and cinema history.

3 6. We decided to write a film focused on the latter part of Davis and Crawford's
4 careers, when they made their only film together – *Whatever Happened to Baby Jane?*. Being
5 further along in our careers ourselves, Jaffe and I could relate to older actors aging out of leading
6 roles, and we wanted to explore the themes of aging in Hollywood, and what it means to be an
7 outsider or a fading star, no longer in the spotlight.

8 7. We began our research for *Best Actress* by reading biographies of Davis and
9 Crawford, and by watching a lot of their movies. One book we found particularly helpful was
10 *Inside Oscar: The Unofficial History of the Academy Awards*, by Mason Wiley and Damien Bona.
11 As we dug into the story of Davis and Crawford, we were struck by how much we already knew
12 about them from our knowledge of movie history.

13 8. We also gained more knowledge by talking to a performer we knew named Randy
14 Allen. We found that Allen had seemingly encyclopedic knowledge about Davis, and he shared
15 with us what he knew about the film *Whatever Happened to Baby Jane?*.

16
17 **Use of Interviews at the 1978 Academy Awards**

18 9. While writing the *Best Actress* screenplay, to help tell Davis and Crawford's story,
19 Jaffe and I decided to use the dramatic device of imagined interviews at the 1978 Academy
20 Awards, based our research, to advance the plotline. In particular, there was a great discussion of
21 the 1978 Awards in *Inside Oscar*. We knew that Crawford had died in 1977, and that she had
22 been included in the *In Memoriam* tribute at the 1978 Oscars. We also knew that Davis had
23 presented at the 1978 Academy Awards and had been backstage during the ceremony.

24 10. We were familiar with television series that depict interviewees directly addressing
25 the camera, and we considered it an effective storytelling technique. Additionally, we believed
26 that such interviews would make the *Best Actress* screenplay less campy.

27 11. We decided that the interviewees would be four actresses who were colleagues of
28 Davis and Crawford: Olivia de Havilland, Barbara Stanwyck, Joan Blondell, and Greer Garson.

1 We chose to include a de Havilland character because we knew her to be Davis's very close
2 friend. In *Best Actress*, we sought to use the de Havilland character to show Davis's more human
3 side, thereby counterbalancing the impression that could be left by Davis's harsh actions and
4 reactions to Crawford. Additionally, we wanted to contrast the de Havilland/Davis friendship, and
5 the admiration and love that de Havilland appeared to have for Davis, with the Crawford/Davis
6 feud. For similar reasons, we also included a friend of Joan Crawford, Stanwyck.

7
8 **Depiction of Olivia de Havilland**

9 12. Our portrayal of the Olivia de Havilland character in the *Best Actress* screenplay,
10 and later in Episode 7 of *Feud*, was influenced by our knowledge of movie history and the
11 research we had conducted in writing *Best Actress*. In my case, such knowledge dated back to
12 childhood. As a child, I was obsessed with the film *Gone With the Wind*, which featured de
13 Havilland's iconic portrayal of Melanie Wilkes.

14 13. Growing up, I was fascinated by de Havilland's feud with her sister, Joan Fontaine,
15 and I read stories about how they did not get along. I learned that de Havilland and Fontaine had
16 been nominated against each other in 1941, and that Fontaine, the younger sister, had won. I also
17 learned that when de Havilland won her Oscar for Best Actress in 1947, Fontaine supposedly tried
18 to congratulate her, but de Havilland reportedly turned away. I have continued to read about de
19 Havilland and Fontaine's feud over the years, including some of the 2016 articles published
20 around de Havilland's 100th birthday. As I learned about de Havilland and Fontaine's rivalry, I
21 often wondered what it would have felt like to have that sort of relationship with one's sister. And
22 as a writer, I have continued to ask this question, in an effort to bring authenticity to my work.

23 14. I also remember seeing Fontaine and de Havilland on television in my youth. I
24 recall that Fontaine was interviewed about her autobiography, *No Bed of Roses* (which I learned de
25 Havilland called "No Shred of Truth"). And I remember watching de Havilland and Davis
26 together on the *Merv Griffin Show*. One television appearance I particularly remember was de
27 Havilland's appearance as part of an AFI lifetime achievement tribute to Davis. In my view, de
28 Havilland spoke very lovingly about Davis, but she was not shy about mentioning her own Oscars.

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4
By putting her friendship with Davis first, she struck me as classy, but she also simultaneously struck me as ambitious. I came to have the impression that de Havilland was a strong woman with a sharp wit. In writing *Best Actress* and for Episode 7 of *Feud*, Jaffe and I sought to imbue the de Havilland character with this nuanced combination of attributes.

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

Executed this 29th day of 8/29/2017, at New York, New York.


Michael Zam