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Pacific 2.1 Entertainment Group, Inc.  
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  
11 OLIVIA DE HAVILLAND, DBE, an  
individual,

12 Plaintiff,

13 v.

14 FX NETWORKS, LLC, a California limited  
15 liability company; PACIFIC 2.1  
16 ENTERTAINMENT GROUP, INC., a  
California corporation; and DOES 3 through  
17 100, inclusive,

18 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 STEPHANIE  
GIBBONS 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, Michael Zam,  
James Berkley, and exhibits to each; Notice  
of Lodging and manually lodged exhibits  
filed concurrently]

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

ORIGINAL



Mitchell  
Silberberg  
&  
Knupp LLP

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DECLARATION OF STEPHANIE GIBBONS

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I, Stephanie Gibbons, declare:

1. I am the President of Marketing, Digital Marketing, and On-Air Promotions for FX Networks, LLC (“FX”). 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. I have worked at FX since 2004, and have served in my current position since August 2013. My responsibilities include overseeing the creation and implementation of all print and electronic marketing campaigns for FX. As President of Marketing, Digital Marketing, and On-Air Promotions, I oversaw the marketing campaign to promote the FX television series *Feud: Bette and Joan* (“*Feud*”) and am familiar with the print, video, and social media advertisements that we created and ran for the show.

3. It is my understanding that, in her lawsuit, Plaintiff Olivia de Havilland has alleged that FX improperly used her name, likeness, identity and photograph to promote *Feud*. Specifically, I understand that Ms. de Havilland alleges that Catherine Zeta-Jones, who played the de Havilland character in *Feud*, appears in “eleven promotional advertisements for FX DEFENDANTS’ stations and companies.” I am uncertain which specific promotional advertisements Ms. de Havilland is referring to in making this allegation. Below, I will therefore discuss the aspects of the *Feud* marketing campaign that I believe are relevant to her allegation.

4. We principally advertised *Feud* through print advertisements, which appeared outdoors and in magazines; through video advertisements, which generally appeared on television or online; and through social media. Regardless of the medium, the primary thematic focus of the marketing campaign was to highlight and promote *Feud’s* subject – the rivalry of two legendary actresses, Oscar winners Joan Crawford and Bette Davis – and to underscore that these legendary actresses were themselves being played by contemporary stars, Oscar winners Jessica Lange and Susan Sarandon. We wanted to highlight how the movie industry played them against each other; to show the misogyny they faced; and to illustrate how their lives changed over the course of their

1 careers. Consequently, many of the advertisements for *Feud* featured only Lange as Crawford and  
2 Sarandon as Davis.

3 5. A secondary focus of the marketing campaign was illustrating the themes of the  
4 show, such as the glamour of Hollywood in the 1960s, or the difficulties women face in film –  
5 particularly as they age. We also wanted to highlight the star-studded cast which, in addition to  
6 Sarandon and Davis, also included other well-known actors who are known primarily for their  
7 work in motion pictures.

8 6. In advertising and promoting *Feud*, FX did not use images of the actress Olivia de  
9 Havilland. On certain occasions, FX did use images of Catherine Zeta-Jones, who *portrayed* the  
10 de Havilland character. Consistent with this approach, FX did not use Ms. de Havilland's name in  
11 isolation, but rather only to identify the character being played by Ms. Zeta-Jones. Moreover, FX  
12 did not prominently feature Ms. Zeta-Jones in our marketing and promotion for *Feud*.

13 7. For example, Ms. Zeta-Jones did not appear in any print or billboard  
14 advertisements. Instead, the print advertisements featured a still of Sarandon and Lange  
15 portraying Davis and Crawford during the making of *Whatever Happened to Baby Jane?*, such  
16 that each is also portraying Davis' and Crawford's characters in the film, Baby Jane and Blanche,  
17 respectively. We took this approach because the making of that film was at the heart of *Feud*. A  
18 true and correct copy of a representative image used in the print and outdoor campaigns is attached  
19 hereto as **Exhibit 1** and incorporated by reference herein.

20 8. Indeed, because Ms. Zeta-Jones was not a series regular, we had more limited  
21 advertising rights than we did for the principal cast members. For example, we could only air  
22 television promotions featuring her for a six-week window. FX does not typically run a marketing  
23 or promotions campaign that is focused on a special guest star, and it did not do so here in the case  
24 of Ms. Zeta-Jones.

25 9. We began running video promotions for *Feud* in late January, 2017. We started  
26 with spots that featured custom footage created for the purpose of promoting the show by  
27 highlighting the show's themes (e.g. Crawford and Davis sitting on opposite sides of a vanity  
28 mirror making snide comments about each other). Then, as the season neared and progressed, we

1 moved into featuring video promotions that were built using actual footage from the television  
2 show. Representative examples are **Exhibits 2 and 3**, lodged concurrently herewith.

3 10. Of the approximately 44 video advertisements for *Feud* that were delivered, I am  
4 only aware of six video advertisements that included Zeta-Jones's de Havilland character, and  
5 none of them mentioned Olivia de Havilland by name. We chose to include Ms. Zeta-Jones in  
6 select video advertisements for two reasons. First, to mimic the show itself, in which the de  
7 Havilland character introduces some of the themes of *Feud* through an imagined interview at the  
8 1978 Oscars. Second, Ms. Zeta-Jones herself is a high-profile actress, and we believed that the  
9 audience would recognize her in the advertisements. To this point, we did not identify Ms. Zeta-  
10 Jones as playing "Olivia de Havilland" via captions in the video advertisements because we did  
11 not believe that it was important for potential viewers of *Feud* to know that there would be a de  
12 Havilland character in the show. The advertisements including Ms. Zeta-Jones are attached hereto  
13 as **Exhibits 4-9**, lodged currently herewith.

14 11. Beyond the foregoing, we also promoted *Feud* through social media platforms,  
15 primarily Facebook, Twitter, and Instagram. As with the print and television campaigns, the  
16 primary focus of the social media campaign was to highlight the rivalry between Davis and  
17 Crawford that was at the heart of *Feud*, but we were able to use social media to focus on the  
18 actresses' rivalry more broadly. For example, the social media team drew out the sassy lines that  
19 Davis and Crawford said to each other over the course of their feud, and the television series.

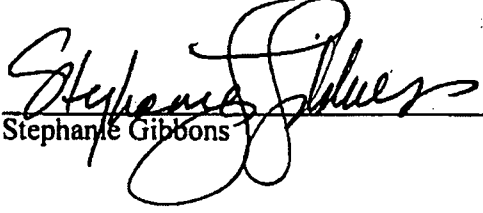
20 12. Before *Feud* premiered, the social campaign focused on giving background about  
21 the show and highlighting *Feud's* broader themes, such as women in Hollywood. After the show  
22 began, we focused more on eye-catching quotes from the show and selected scenes. Additionally,  
23 both before *Feud* premiered and after the season began, we tweeted out articles about the show.

24 13. Finally, the print advertising team created a press kit for *Feud* on behalf of FX's  
25 publicity department. The press kit was only sent to the media; it was not published or otherwise  
26 distributed to the general public. The press kit included DVDs of the first five episodes of *Feud*,  
27 as well as a hard-cover book promoting the show. The book gave a short overview of the series,  
28

1 and it featured full-page photographs of the actors in *Feud*, in costume as their characters from the  
2 show, and each accompanied by a biography of the actor.

3  
4 I declare under penalty of perjury under the laws of the State of California that the  
5 foregoing is true and correct.

6 Executed this 25th day of August, 2017, at Los Angeles, California.

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Stephanie Gibbons

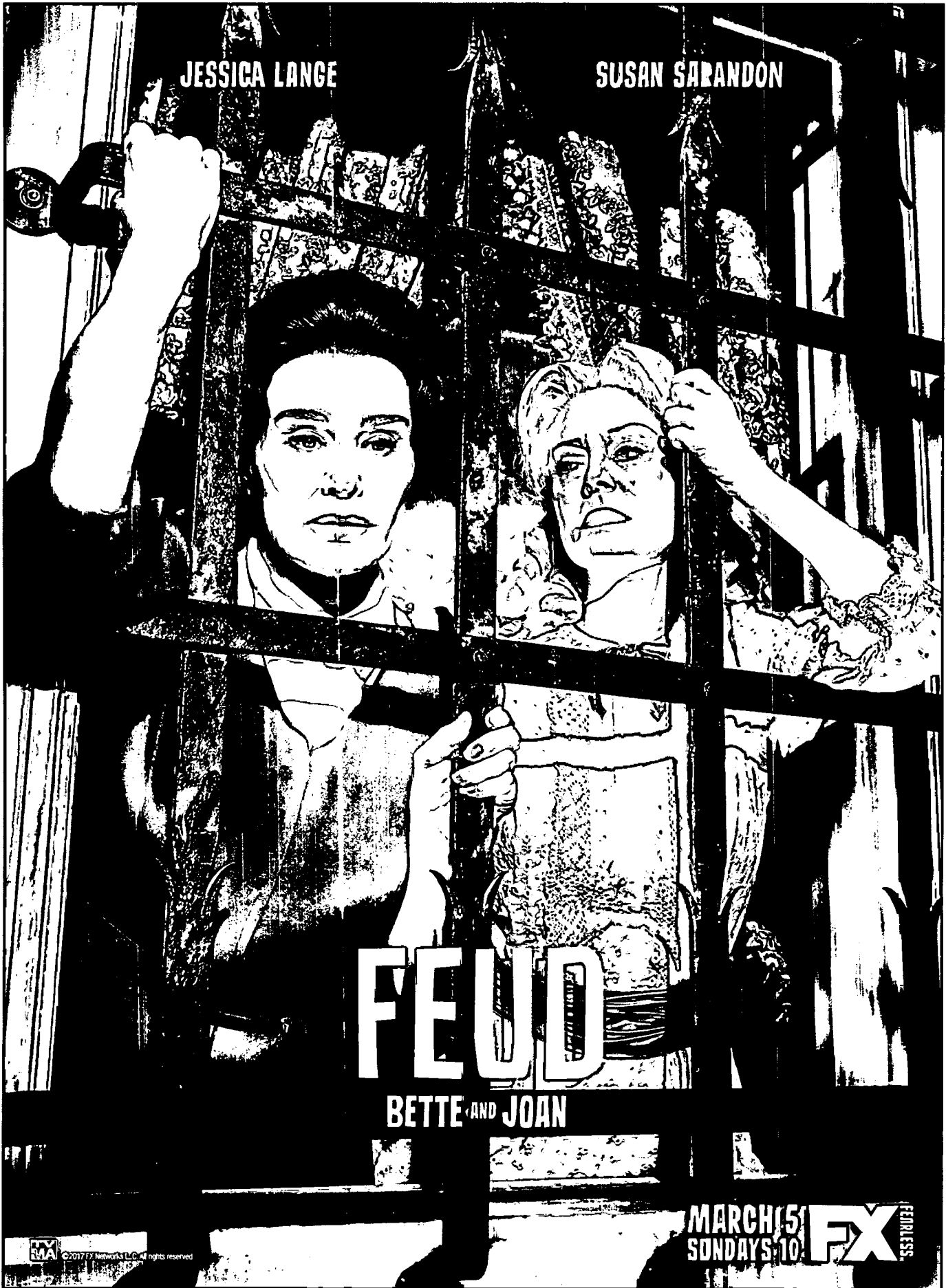
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2017  
Mitchell  
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EXHIBIT 1

JESSICA LANGE

SUSAN SARANDON



# FEUD

BETTE AND JOAN

MARCH 5  
SONDAYS 10

**FX** FEARLESS

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EXHIBIT 001-6

EX 1

08/31/2017

EXHIBIT 2



Exhibits 2 – 9

Lodged Manually

08/31/2017