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18  
19 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

20 **FOR THE COUNTY OF LOS ANGELES**

21 **CENTRAL DISTRICT**

22 ALBERT RUBEN, RICHARD ADES,  
CECILE ALCH, KARL ALEXANDER,  
23 NANCY ALVAREZ, CHRISTOPHER  
AMES, ADRIENNE ARMSTRONG,  
24 JOHN B. AYLESWORTH, ROBERT  
GUY BARROWS, MARIA CRISTINA  
25 BEATO-LANZ, ANNE BEATTS,  
HARRIET BELKIN, HARRIET BELKIN  
26 ON BEHALF OF ESTATE OF NORMAN  
BELKIN, JOHN BENSINK, ROBERT S.  
27 BIHELLER, JOHN D.F. BLACK, JOHN  
BONI, RICHARD D. BOYLE, STEVE  
28 ALLISON BRASFIELD, ELIZABETH  
GILL BRAUER, LARRY BRODY,

**CASE NO. BC 268 879**

**FOURTH AMENDED COMPLAINT  
[CLASS ACTION]**

1 HINDI BROOKS, DAVID BROWN,  
2 CRAIG BUCK, TIMOTHY BURNS,  
3 MARY CANNON ON BEHALF OF  
4 ESTATE OF DORAN WILLIAM  
5 CANNON, JAMES W. CARLSON,  
6 PATRICIA JOYCE CARTER,  
7 ROXANNE LUCIER CHECKOR,  
8 CALVIN CLEMENTS, JR., WANDA  
9 COLEMAN, OLIVER CRAWFORD,  
10 ROBERT LYON DAMES, JEANNE  
11 ROBERT DAVENPORT, SARA  
12 DAVIDSON, CAROLYN DAVIS, MARY  
13 E. DAVIS, LAVINA DAWSON, PAULA  
14 DEATS, DENISE DECLUE, HARRIET A.  
15 DICKEY, DAN DISTEFANO, ANITA  
16 DOOHAN, PAMELA DOUGLAS,  
17 GEORGE ECKSTEIN, PAUL F.  
18 EDWARDS, PAUL C. ELLIOTT,  
19 IRVING ELMAN, LAURIE FRANK,  
20 RON FRIEDMAN, LIZA GARSON ON  
21 BEHALF OF ESTATE OF HENRY P.  
22 GARSON, STEPHEN GELLER, ERIC K.  
23 GOODMAN, STEVEN S. GREENE,  
24 LARRY GRUSIN, ARLAN  
25 GUTENBERG, DEBORAH HABER,  
26 PHIL HAHN, RALPH S. HART, REX  
27 HAUCK, KEN HECHT, BRUCE  
28 HOWARD, TRUSTIN HOWARD, JERRY  
L. JACOBUS, JACK JACOBS,  
PATRICIA JONES, MICHAEL KAGAN,  
DAWNA KAUFMANN, ROBERT KAY,  
DAVID J. KINGHORN, JOSI W.  
KONSKI, RITA LAKIN, BILL  
LAMOND, JO LAMOND, TED LANG, L.  
LEE LAPIDUS, NORMAN LAPIDUS,  
HAPPY JAMES LAWRENCE, ALLAN  
LEICHT, KATHLEEN KLEIN  
LESTRANGE, DAVID LUMSDEN,  
RONALD LUX, BERNARD MACK,  
ANN MARCUS, LEAH MARKUS,  
ROBERT L. MCCULLOUGH, JACK  
MENDELSON, MICHAEL J.  
METZGER, HOWARD MEYERS, MARK  
MILLER, MICHAEL MILLIGAN,  
ROBERT L. MILLS, LARRY MINTZ,  
GORDON MITCHELL, GEORGE  
DOUGLAS MORGAN, RON NEAL,  
LAN O'KUN, KENNETH LANDSMAN  
ON BEHALF OF ESTATE OF JOANNE  
M. PAGLIARO, ADRIENNE PARKS,  
JOYCE PERRY, ABE POLSKY, BURT  
PRELUTSKY, BRAD RADNITZ,  
DONALD REIKER, MICHAEL  
RHODES, RONALD RIBMAN, CAROL  
ROPER, RICHARD ROSSNER,  
WILLIAM JAMES ROYCE, DON

1 RUBIN, MANN RUBIN, PAUL  
2 SAVAGE, ROBERT E. SCHAEFER,  
3 ELROY SCHWARTZ, JOHN HERMAN  
4 SHANER, STEPHEN F. SHARON, BOB  
5 SHAYNE, CAROLYN SHELBY,  
6 ROBERT SHERMAN, GERALD  
7 SIEGEL, RUTH ANSON SOWBY,  
8 DEBORAH SPECTOR, WILLIAM R.  
9 STRATTON, RONALD A. SUPPA,  
10 JAMES TROMBETTA, IRIS. TUBER ON  
11 BEHALF OF ESTATE OF RICHARD  
12 JOSEPH TUBER, ROGERS  
13 TURRENTINE, ROBERT URSUL,  
14 MICHAEL WALKER, EARL W.  
15 WALLACE, CLYDE WARE, ROBERT  
16 A. WEVERKA, SHELDON M.  
17 WILLENS, JERRY WINNICK, JACK  
18 WINTER, EDMOND KEENAN WYNN,  
19 TRACY KEENAN WYNN, GEORGE  
20 YANOK AND  
21 STEVE YOUNG,

22 Plaintiffs,

23 VS.

24 CREATIVE ARTISTS AGENCY, LLC,

25 Defendant.  
26  
27  
28

1 Plaintiffs bring this action as a class action on behalf of themselves and all persons  
2 similarly situated, alleging as follows:

### 3 **Introduction**

4 1. This action arises out of defendant Creative Artists Agency, LLC's ("CAA")  
5 ageist business practices in refusing to represent older television writers and to refer them for  
6 writing opportunities in direct violation of the Unruh Civil Rights Act, Cal. Civ. Code § 51 and §  
7 51.5 of the California Civil Code, and, since January 1, 2003, of the Fair Employment and  
8 Housing Act ("FEHA"), Cal. Gov't Code §§ 12920 *et seq.*

### 9 **Parties**

#### 10 Plaintiffs

11 2. Plaintiffs are one hundred thirty-nine (139)\_members of the Writers Guild of  
12 America ("WGA") or persons substituted for former members of the WGA who were plaintiffs  
13 before their deaths. Each plaintiff (or writer for whom substitution was made) is (or was) forty  
14 years of age or older, has (or had) previous television writing credits, is (or was) qualified to  
15 write for television, and currently desires (or desired prior to death) representation from CAA for  
16 the purpose of obtaining television writing opportunities with persons and entities that hire  
17 television writers and purchase works for television ("television employers" hereinafter).

18 3. As indicated by the asterisks below, certain plaintiffs, or persons for whom  
19 substitution was made, "applied for" or otherwise sought representation with CAA for the  
20 purpose of obtaining television writing opportunities at one or more times while they were age  
21 forty or above, but were rejected as a result of their age, and all plaintiffs or persons for whom  
22 substitution was made have been and continue to be deterred from "applying for" or otherwise  
23 seeking representation with CAA. They reasonably believe that it would be a futile gesture to  
24 seek representation because they are aware of facts and circumstances some of which are  
25 described below establishing CAA's well deserved reputation for ageist business practices with  
26 respect to the representation and referral of writers for television writing opportunities:

	<b>NAME OF PLAINTIFF OR DECEASED WRITER</b>	<b>STATE/COUNTRY OF CITIZENSHIP (OR CITIZENSHIP AT DEATH)</b>	<b>YEAR OF BIRTH</b>
1			
2			
3	Richard Ades	Maryland	1952
4	Cecile Alch	California	Before 1958
5	Karl Alexander	California	1942
6	Nancy Alvarez	Washington	1944
7	Christopher Ames	California	1950
8	Adrienne Armstrong	California	1940
9	John B. Aylesworth	California	1928
10	Robert Guy Barrows	Colorado	1926
11	Maria Cristina Beato-Lanz	California	1951
12	Anne Beatts*	California	1947
13	Harriet Belkin	California	1931
14	Norman Belkin	California	1924
15	John Bensink	Pennsylvania	1948
16	Robert S. BiHeller	Washington	1938
17	John D.F. Black	California	1932
18	John Boni	Canada	1953
19	Richard D. Boyle	California	1942
20	Steve Allison Brasfield	California	1953
21	Elizabeth Gill Brauer*	California	1948
22	Larry Brody	California	1944
23	Hindi Brooks	California	1960
24	David Brown	California	1947
25	Craig Buck	California	1952
26	Timothy Burns	California	1943
27	Doran William Cannon*	California	1937
28			

1	<b>NAME OF PLAINTIFF OR</b>	<b>STATE/COUNTRY OF CITIZENSHIP</b>	<b>YEAR OF BIRTH</b>
2	<b>DECEASED WRITER</b>	<b>(OR CITIZENSHIP AT DEATH)</b>	
3	James W. Carlson	Colorado	1932
4	Patricia Joyce Carter	California	1949
5	Roxanne Lucier Checkor	California	1942
6	Calvin Clements, Jr.*	California	1941
7	Wanda Coleman	California	1946
8	Oliver Crawford	California	1917
9	Robert Lyons Dames	California	1944
10	Robert Davenport	California	1950
11	Sara Davidson	Colorado	1943
12	Jeanne Carolyn Davis*	California	1950
13	Mary E. Davis	California	1957
14	Lavina Dawson	California	1937
15	Paula Deats	California	1949
16	Denise DeClue	Michigan	1948
17	Harriet A. Dickey	California	1959
18	Dan DiStefano	California	1947
19	Anita Doohan	California	1941
20	Pamela Douglas	California	1944
21	George Eckstein	California	1928
22	Paul F. Edwards	Montana	1939
23	Paul C. Elliott*	California	1941
24	Irving Elman*	California	1915
25	Laurie Frank	California	Before 1960
26	Ron Friedman	California	1932
27	Henry P. Garson	California	1912
28			

	<b>NAME OF PLAINTIFF OR DECEASED WRITER</b>	<b>STATE/COUNTRY OF CITIZENSHIP (OR CITIZENSHIP AT DEATH)</b>	<b>YEAR OF BIRTH</b>
1			
2			
3	Stephen Geller*	Rhode Island	1940
4	Eric K. Goodman	Ohio	1953
5	Steven S. Greene	California	1946
6	Larry Grusin*	California	1942
7	Arlan Gutenberg*	Arizona	1948
8	Deborah Haber	New York	Before 1960
9	Phil Hahn	Oregon	1932
10	Ralph S. Hart*	California	1928
11	Rex Hauck*	Georgia	1951
12	Ken Hecht*	California	1947
13	Bruce Howard	California	1925
14	Trustin Howard	California	Before 1960
15	Jerry L. Jacobius	California	1947
16	Jack Jacobs*	California	1919
17	Patricia Jones	California	1946
18	Michael Kagan	California	1944
19	Dawna Kaufmann	California	1951
20	Robert Kay	California	1945
21	David J. Kinghorn	California	1944
22	Josi W. Konski	California	1945
23	Rita Lakin	California	1930
24	Bill LaMond	California	1934
25	Jo LaMond	California	1940
26	Ted Lang	California	1944
27	L. Lee Lapidus	California	1953
28			

1	<b>NAME OF PLAINTIFF OR</b>	<b>STATE/COUNTRY OF CITIZENSHIP</b>	<b>YEAR OF BIRTH</b>
2	<b>DECEASED WRITER</b>	<b>(OR CITIZENSHIP AT DEATH)</b>	
3	Norman Lapidus	California	1953
4	Happy James Lawrence	North Carolina	1944
5	Allan Leicht*	New York	1942
6	Kathleen Klein LeStrange	Texas	1946
7	David Lumsden	Washington	1945
8	Ronald Lux	California	1960
9	Bernard Mack	California	1947
10	Ann Marcus	California	1921
11	Leah Markus	California	1945
12	Robert L. McCullough	California	1945
13	Jack Mendelsohn	California	1926
14	Michael J. Metzger	California	1939
15	Howard Meyers	California	1946
16	Mark Miller	California	1952
17	Michael Milligan	California	1947
18	Robert L. Mills	California	1937
19	Larry Mintz	California	1950
20	Gordon Mitchell*	California	1932
21	George Douglas Morgan*	California	1953
22	Ron Neal	California	1936
23	Lan O'Kun	California	1932
24	Joanne M. Pagliaro*	California	1950
25	Adrienne Parks	California	1948
26	Joyce Perry	California	1930
27	Abe Polsky*	California	1935
28			

	<b>NAME OF PLAINTIFF OR DECEASED WRITER</b>	<b>STATE/COUNTRY OF CITIZENSHIP (OR CITIZENSHIP AT DEATH)</b>	<b>YEAR OF BIRTH</b>
1			
2			
3	Burt Prelutsky	California	1940
4	Brad Radnitz*	California	1930
5	Donald Reiker	California	1935
6	Michael Rhodes*	California	1935
7	Ronald Ribman	California	1932
8	Carol Roper	California	1940
9	Richard Rossner	Arizona	1950
10	William James Royce	California	1954
11	Albert Ruben*	New York	1925
12	Don Rubin*	California	1945
13	Mann Rubin	California	1926
14	Paul Savage	California	1925
15	Robert E. Schaefer	California	71926
16	Elroy Schwartz*	California	1923
17	John Herman Shaner	California	Before 1960
18	Stephen F. Sharon*	California	1953
19	Bob Shayne	California	1940
20	Carolyn Shelby	California	1949
21	Robert Sherman	California	1950
22	Gerald Siegel	Connecticut	1936
23	Ruth Anson Sowby	California	1944
24	Deborah Spector	California	1950
25	William R. Stratton	California	1930
26	Ronald A. Suppa	California	1948
27	James Trombetta*	California	1946
28			

NAME OF PLAINTIFF OR DECEASED WRITER	STATE/COUNTRY OF CITIZENSHIP (OR CITIZENSHIP AT DEATH)	YEAR OF BIRTH
Richard Joseph Tuber*	California	1930
Rogers Turrentine*	California	1939
Robert Ursul*	Canada	1944
Michael Walker	California	1949
Earl W. Wallace	California	1942
Clyde Ware*	California	1930
Robert A. Weverka	California	1926
Sheldon M. Willens	California	1938
Jerry Winnick	California	1937
Jack Winter	Maryland	1934
Edmond Keenan Wynn	California	1953
Tracy Keenan Wynn	Colorado	1945
George Yanok	Tennessee	1938
Steve Young	California	1947

Defendant

4. Defendant CAA is a California limited liability company with its principal place of business in Los Angeles, California. CAA is a talent agency that represents television writers, among others.

**Jurisdiction & Venue**

5. Jurisdiction and venue are proper in this Court because this action arises under California state law, the defendant resides in the County of Los Angeles, and the acts and omissions complained of herein have occurred and continue to occur in the County of Los Angeles.

**Exhaustion of Administrative Remedies**



1 television writer to a television employer for writing employment or a similar business  
2 opportunity, CAA generally receives a percentage of the writer's income.

3 10. CAA believes that older television writers are less likely to be hired by television  
4 employers. It has conformed its business practices to these ageist stereotypes and practices, and  
5 decided not to represent or refer older writers. Instead, it represents and refers writers under 40  
6 years of age who are most likely to be hired.

7 Ageist Stereotypes Held By CAA

8 11. In addition to the financial incentives to discriminate on the basis of age, CAA  
9 has acted upon invidious stereotypes that older writers are (a) not able to write television  
10 programming that attracts the desired demographic audience of networks and studios and/or (b)  
11 lack the energy and vitality necessary to meet the demands of modern television writing. CAA's  
12 top management has encouraged and reinforced these stereotypes by failing and refusing to  
13 disavow them and/or to discipline those who make ageist statements or decisions. CAA's top  
14 management has explicitly and implicitly instructed individual agents to seek out and represent  
15 and refer younger writers to the exclusion of older writers.

16 CAA's Continuing Pattern or Practice of Intentional Age Discrimination

17 12. CAA has engaged in a systemic pattern or practice of age discrimination with  
18 respect to its representation and referral of older writers for television writing opportunities with  
19 television employers for many years.

20 13. CAA's pattern or practice of intentional age discrimination is evidenced by the  
21 following:

22 a. CAA agents have made the following comments to older writers in  
23 connection with their attempts to secure representation or in the context of  
24 an existing client-agent relationship:

- 25 • When plaintiffs Rogers Turrentine sent CAA a letter (with sample  
26 material) inquiring about representation, CAA wrote back:  
27 "Although we appreciate your interest, we have a firm policy of  
28 returning all unsolicited material unread."

