

# PIERCE

## LAW GROUP LLP

Who the Independents depend on  
*Film • TV • New Media*

### Entertainment Law Circular

February 2019

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#### Super Yet Again!



Congratulations to **David Albert Pierce** for being named by Thompson Reuters' as a **Southern California SuperLawyer** for the fifth straight year in a row!

*This public acknowledgment is a great honor, but we've known him to be super for an even longer time.*

**Pierce Law Group Congratulates our Oscar Winning Clients- Wachtel & Rabinowitz "Best Adapted Screenplay"!**

New "MeToo" inspired education & training programs for artists represented by agencies and for teenage child actors will be required effective June 2019.

By Tony Hanna

Beginning in 2019, all talent agencies operating in California must provide their artist clients with education on sexual harassment prevention, retaliation, and reporting resources, as well as, information about good nutrition and eating disorder information.

In addition, child actors applying for entertainment work permits between the ages of 14 and 17 will now be required to provide satisfactory proof that they have received sexual harassment prevention training before obtaining their entertainment work permit. Applicants for 10-day temporary entertainment work permits are exempt from the training requirement.

These two new education and training requirements were to take effect in January 2019 however, due to the unavailability of third-party vendors and applicable training materials, the Labor Commissioner will not be enforcing these new provisions until June 30, 2019.

Pierce Law Group LLP has been a leader in the area of Child Labor Law issues confronting the entertainment industry and has been in contact with the Labor Commissioner's office in regard to working with the state to help structure these new programs.

For more information about these new laws, contact [Anthony J. Hanna, Esq.](#) or [David Albert Pierce, Esq.](#)



Congratulations to Charlie Wachtel & David Rabinowitz, the screenwriting team that along with Spike Lee penned the screenplay for **BlacKkKlansman** (for which Pierce Law Group negotiated their production and writing services deal). Charlie and David won the Academy Award for Best Adapted Screenplay!



## Client Slamdance Film Festival Has Another Successful Festival Run

Pierce Law Group LLP was again in full force in Park City, Utah for the Sundance Film Festival and Slamdance Film Festival.



The Firm provided a Daily Legal Clinic at the Slamdance Film Festival.

## 2019 Sundance Acquisitions Summary

By Will Mavity



Emma Thopson in 'Late Night' acquired by Amazon

Sundance 2018 was the "slowest movie festival ever" for sales according to Variety. This year, something different was in the air. Perhaps it was the success of Sundance sales from last year like **"Won't You Be My Neighbor"** and **"Three Identical Strangers."** Perhaps it was the fact that Amazon got out of the gate quickly and everyone felt compelled to catch up. Whatever the reason, studios threw money around liberally this year. Whereas the 2018 Sundance audience award winner still remains without a distributor, the majority of this year's hits, narrative and documentary alike went home with a distributor.

**A24:** The indie distributor made waves by shuffling two of its biggest festival films ("**Native Son**" and "**Share**") off to **HBO** on the first day of the festival but compensated by acquiring arguably the best reviewed film of the festival, **Awkwafina's** dramedy "**The Farewell**" for **\$6 million**. In addition, the studio had secured the rights to "**The Last Black Man in San Francisco**" and Sundance Drama Jury Prize Winner, "**The Farewell**" prior to the festival.

**Amazon:** Easily the most cash-flush spender at the festival, after playing it safe last year, Amazon came out of the gates with a series of record setting deals. We likely have them to thank for leading to such a sale-heavy Sundance. Under the new leadership of **Jennifer Salke** (who took direct roles in dealmaking), the studio snatched up the Audience Award winner, "**Brittany Runs a Marathon**" for **\$13 million** along with **Mindy Kaling/Emma Thompson** comedy "**Late Night**" for **\$13 million**, the **Adam Driver/Anette Bening/Jon Hamm** led political thriller, "**The Report**" for **\$14 million**. They rounded out the fest by acquiring the **Shia Labeouf** biopic "**Honey Boy**," and the Jury prize winning documentary "**One Child Nation**." Finally, the studio had already secured the rights to the **Viola Davis/Alison Janney** comedy, "**Troop Zero**" prior to the festival. In total, the studio spent nearly **\$50 million** on purchases during the fest. Perhaps it was competition driven by Netflix's recent awards success, or new ownership. Regardless, the studio took a major gamble here on spending big.

**Apple TV:** Apple has been slow to enter into the streaming game the way services like **Amazon** have. But hot off of its deal with **A24**, the studio has picked up rights to "**Hala**," the **Jada-Pinkett Smith** produced coming of



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 January 25 - January 28  
 Alter Room @ Treasure Mtn. Inn  
**DAILY PANEL DISCUSSIONS**  
 and **ONE-ON-ONE CONSULTS**

**Bank Loans**      **Sales Agents**  
**Film Finance**    **Collaboration Questions**  
**Insurance**       **Union Issues**  
**Distribution**     **COPYRIGHT & CLEARANCE**  
 Production Counsel Matters

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This year, attorneys, **David Albert Pierce, Joshua Edwards, John Baldivia** and **Dhara Patel** travelled to Park City to participate in the daily panel events and one-on-one pro bono counseling sessions for filmmakers.

### Pierce Law Group Client & Friends Steak Dinner at Sundance



Meanwhile across town at Sundance, Pierce Law Group entertained 20 clients and friends of the Firm at our annual steak dinner at **Butcher's Block Steakhouse**.

age drama. Apple has yet to reveal whether or not they intend to release the film theatrically or stick to a streaming only model.

**Bleecker Street:** Despite mixed reviews, Bleecker snagged the **John Lithgow/Blythe Danner**-led dramedy "**The Tomorrow Man**" early on. The studio has had a mixed track record for acquisitions recently, although last year's Sundance purchase "**Leave No Trace**" proved a modest hit and ended up as one of the best-reviewed films of 2018.

**HBO:** Last year, HBO made waves by historically snatching distribution rights **Laura Dern's** well-reviewed "**The Tale.**" Although the decision turned heads at the time, due to a perception of throwing Oscar chances down the toilet, the film instead performed well for TV audiences, and snagged two Emmy nominations. There has long been a sense of elitism towards the separation between "TV movies" and "Feature Films." HBO set out to further blur that line, acquiring two of **A24's** hyped films, "**Native Son**" and "**Share**" - the latter of which won jury prizes for its acting and screenwriting.

**Hulu:** Hulu is busy trying to one-up both **Netflix** and **Amazon** with its original content. It recently landed the new **Martin Scorsese/Leonardo DiCaprio** TV series, "**Devil in the White City**" and landed an Emmy win for "**The Handmaid's Tale**" before either streaming service has. As such, in order to continue making a splash, they acquired one of the festival's most memorably bizarre documentaries, "**The Untitled Amazing Johnathan Documentary**" for roughly **\$3 million**. The film which focuses on a the farewell tour for a dying magician ended up being twisty and outrageous enough to have many at the festival questioning whether or not it was a mockumentary.

**IFC Films:** IFC is one of the most consistent buyers at Sundance year after year. Sadly, due to their small size, their releases (like 2018's acclaimed "**Wildlife**") often struggle to breakout at the box office and during awards season. Still, they sheperded their 2014 Sundance purchase, "**Boyhood**" to an Oscar win in the past. This year, they picked up **Jennifer Kent's** follow up to "**The Babadook,**" the insanely violent revenge film, "**The Nightingale**" (which earned strong reviews but saw plenty of walkouts due to its subject matter). They also picked up the **Kiera Knightley/Ralph Fiennes**-led political thriller, "**Official Secrets**" for \$2 million.

**Kino Lorber:** Like IFC, Kino Lorber often snabs smaller dramas and documentaries. **The Tye Sheridan/Jeff Goldblum**-led drama, "**The Mountain,**" is firmly in their wheelhouse. Currently the studio is planning a summer release.

**Magnolia:** After major box office and awards success following their **Ruth Bader Ginsburg** documentary acquisition last year, Magnolia is hoping to capture lightning in a bottle again by acquiring and releasing a slew of



## Events & Speaking Engagements

On Tuesday, February 12th, David resumed his role as Adjunct Professor at Elon University's semester in L.A. Program and is again teaching his semester-long course entitled "Media Law & Ethics" to the undergrads enrolled in the Semester in L.A. Program. This is the sixth year that David has taught this course.

On Friday, February 15th, DAP attended a private dinner at the JW Marriott honoring the Travel Channel celebrities appearing at The Travel Adventure Expo at the LA Convention Center.

On Thursday, February 21st the BHBA Internet/Intellectual Property Section's annual Copyright Year In Review was held at Beverly Hills Bar headquarters.

On March 15 - 16, the Beverly Hills Bar Entertainment Law section co-sponsors the 43rd annual UCLA Entertainment Symposium. This year's speakers include: Meg Whitman, Jeffrey Katzenberg, super agent Kevin Iwashina, along with former Pierce Law Group LLP attorney, Tara Senior (now partner at Del Shaw Moonves), and our good attorney friends Ivy Kagan Bierman and Hillary Bibicoff among many many other speakers will be there.

additional documentaries. Among them are the Steve Bannon doc, "**The Brink**," the festival fan favorite films, "**Hail Satan**," which, as the title suggests, follows a group of Satanists, the Toni Morrison doc, "**Toni Morrison: The Pieces I Am**" and the sex-therapist documentary, "**Ask Doctor Ruth**."

**Neon:** Next to Amazon, relative newcomer, Neon was arguably the fest's biggest spender. Even after their massive "**Assassination Nation**" purchase blew up in their face last year, the studio went all-in on narrative and documentary films alike. The studio, who made a name for itself with 2017 Toronto acquisition, "**I, Tonya**" snagged two midnight films: the horror film, "**The Lodge**" for \$2 million, and the Lupita Nyong'o zombie comedy "**Little Monsters**" in a partnership with Hulu. It is unclear whether the film will have a concurrent streaming release alongside its theatrical release. In addition, they acquired two foreign hits: the Macedonian beekeeping documentary "**Honeyland**" (which won three separate Jury prizes at Sundance) and the Colombian child soldier drama, "**Monos**." Finally, they ran off with potentially one of the festival's biggest Oscar contenders, the Naomi Watts/Octavia Spencer-led thriller "**Luce**."

**Netflix:** It was notable how carefully Netflix kept its powder dry during the festival itself. Aside from premiering "**Velvet Buzzsaw**," which the studio had developed from the ground up, they were essentially a non factor. And then, on the very last days of the festival (and in the days immediately after), they snapped up a number of the fest's buzziest movies. Among them, the sci fi "**I Am Mother**," the overall festival audience award winning Alexandria Occasio Cortez documentary "**Knock Down the House**" for a whopping \$10 million, the fascinating culture clash labor documentary, "**American Factory**," and finally, following the success of their own "**Bundy Tapes**" doc series, they picked up rights to the Zac Efron-starring Ted Bundy feature "**Extremely Wicked and Shockingly Evil and Vile**" for \$9 million. The studio plans to give the film a theatrical release and an Oscar campaign for Zac Efron.

**National Geographic:** After ending up with one of last year's biggest surprise box office hits courtesy of Sundance acquisition, "**Won't You Be My Neighbor**," Nat Geo is again trying to draw documentary audiences, this time with a far more serious documentary, "**Sea of Shadows**" which follows a little known fish poaching operation by the Mexican drug cartel. The studio spent \$3 million on the acquisition, and is presumably hoping for "Neighbor" style box office numbers. (The Mr. Rogers doc ended up grossing nearly \$25 million domestic).

**The Orchard:** Like IFC, The Orchard often makes purchases at Sundance, and those films are often overshadowed by others at the box office and during awards season due to the distributor's relatively small size. Last year, festival hits "**We the Animals**" and "**American Animals**" went to The Orchard and ultimately came and

For further information and registration info, click: [UCLA Annual Entertainment Symposium info](#). David Albert Pierce is Chairman of the BHBA Entertainment Law Section.

Pierce Law Group in the Media



In the latest edition of **MovieMaker Magazine**, on newsstands now, **David Albert Pierce** has written an article on understanding rights acquisitions. The article can also be read by clicking here: [Indie Law: How To Secure and Hold The Rights To Your Project](#)

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went to the box office with much buzz. This year, they acquired the snake handler drama, "**Them that Follow**" (which some had pegged as another Oscar vehicle for "**The Favourite's**" **Olivia Colman**) and the fashion documentary "**Halston**." It is somewhat surprising that the studio made any purchases this year, as it had announced just before the festival that its parent company would be largely abandoning the film world in favor of the music world. **1091 Media** has now acquired The Orchard's film and TV division and will be renaming them. It will be interesting to see how this turmoil impacts those two releases.

**Roadside Attractions:** Roadside Attractions reliably picks up at least one film at Sundance. Usually, their choices are dramas in the vein of "**Beatriz at Dinner**." This time, they branched out, snagging the **Leonardo Cohen** documentary, "**Marianne & Leonard: Words of Love**."

**Showtime:** Sundance 2019 featured a number of TV premieres including HBO's **Michael Jackson pedophilia docuseries** and "Netflix's **Dehli Crime Story**." Although most of these series entered the festival with distributors, the Wu Tang Clan docuseries "**Wu Tang Clan: Of Mics and Men**" sold to Showtime.

**Sony Pictures Classics:** Although Sony avoided any major narrative purchases like 2014's "**Whiplash**," they snagged two of the festival's biggest documentaries, "**David Crosby: Remember My Name**" and "**Where's My Roy Cohn?**"

**Warner Bros.** Warner Bros. isn't typically among the bigger Sundance buyers. So it was something of a surprise when the studio shelled out a massive **\$15 million** for the **Bruce Springsteen**-themed British coming of age film, "**Blinded by the Light**." Although the film was a major crowd pleaser at the festival, the sale is risky. We've seen crowd pleasing music films like "**Patty Cakes**" sell for huge sums at the festival in recent years only to crash and burn at the box office.

So...what are our major takeaways? Well for one, documentaries are considered much more of a sure thing after 2018. Nearly all of the festival's biggest documentaries sold this year, and we presumably have the success of last year's "**Won't You Be My Neighbor**," "**Three Identical Strangers**" and "**RBG**" trifecta to thank for that. Secondly, streaming services are hungrier than ever for film content. **Amazon Studios** chief **Jennifer Salke** had focused much of her tenure at the studio to date on beefing up the TV division, but her enormous presence here this year shows that she is all-in on the film side as well now. In addition, **Hulu** and **Netflix** (and potentially **Apple**) are digging deeper into the field as well. Perennial big-buyer **Fox Searchlight** was curiously absent from acquisitions this year. (In the past, they have set records for purchases on films like "**Birth of a Nation**" and "**Me and Earl and the Dying Girl**." Many attribute that towards uncertainty in regards to



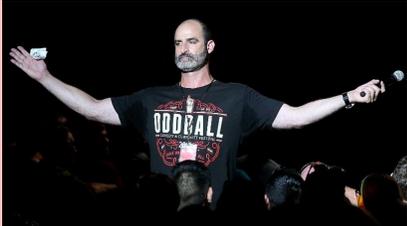
its future in the aftermath of the **Disney-Fox** merger. Finally, **Neon** is in it to win it. Many have described the studio as "the next **A24**" and they seem determined to live up to that moniker with as many purchases as possible. It remains to be seen whether or not their purchases this year will pay off, but they're certainly not being shy in their attempt to cement their place as a major indie player.

Of this year's sales, few feel like guaranteed hits. There was no "**Whiplash**" or "**Call Me By Your Name**" this-is-going-to-be-huge type film in play. But there were many crowd pleasers, and the sheer glut of sales reflected that accordingly.



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In remembrance of a genuinely nice guy & very funny comedian.



The Comedy Store's Brody Stevens  
"818 baby!"

## About Pierce Law Group LLP

Pierce Law Group LLP is a full service, boutique entertainment law firm that provides both transactional and litigation legal services. Our practice areas include entertainment law, intellectual property (copyright, trademarks, right of publicity), film finance, securities law, production counsel, and labor & employment issues affecting the entertainment industry, with an emphasis on film, television, and new media. We represent production companies and other creative businesses as well as artists including producers, actors, writers, directors, comedians, and other entrepreneurs. Our client list includes both Academy Award and Emmy Award winners. We utilize an academic and analytic legal approach to accomplish creative solutions to our clients' goals.

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