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19 **UNITED STATES DISTRICT COURT**
20 **CENTRAL DISTRICT OF CALIFORNIA**

21 WILLIAM MORRIS ENDEAVOR
ENTERTAINMENT, LLC, *et al.*,
22 Plaintiffs and Counterclaim Defendants,
v.
23 WRITERS GUILD OF AMERICA,
WEST, INC., *et al.*,
24 Defendants and Counterclaimants,
25 and PATRICIA CARR, *et al.*
26 Counterclaimants.

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Case No. 2:19-cv-05465-AB-AFM
**DECLARATION OF MICHAEL
SCHUR IN OPPOSITION TO
PRELIMINARY INJUNCTION
MOTIONS**

Hearing Date: Dec. 18, 2020
Hearing Time: 10:00am
Location: Courtroom 7B
Judge: Hon. André Birotte, Jr.

1 I, Michael Schur, hereby declare as follows:

2 1. I make this declaration from my personal knowledge and could testify
3 competently to its contents.

4 2. I have been a member of the Writers Guild of America since 1998
5 (that year, I joined Writers Guild of America, East and then switched my
6 membership to Writers Guild of America, West in or around 2004). I have written
7 for multiple Hollywood television series, including *The Office*, *Parks and*
8 *Recreation*, *Brooklyn Nine-Nine*, and *The Good Place*. I worked as a
9 showrunner/executive producer on *Parks and Recreation* (which I initially ran with
10 my co-creator Greg Daniels before running the last five plus seasons as a solo
11 showrunner), *Brooklyn Nine-Nine* (which I initially ran along with my co-creator
12 Daniel Goor), and *The Good Place* (which I ran for all four seasons). Taking into
13 account all of the programs on which I have served as a showrunner, I have “run”
14 or co-“run” well over a decade of seasons of television.

15 3. While a showrunner has both writing and production responsibilities,
16 the core responsibility of a showrunner is writing, and writing has occupied the
17 vast majority of my time on every single show that I have run. The core writing
18 tasks that I spend most of my time and energy on when working as a showrunner
19 include breaking stories (i.e. creating individual episodes, as well as the overall
20 story for the entire season), writing from scratch the scripts of certain episodes,
21 assigning scripts to other writers to draft and then providing notes and other
22 feedback, rewriting portions of scripts drafted by others on the writing team,
23 leading a “table read” (i.e. the first read through of the script by the cast), and then
24 rewriting the script once more to incorporate edits and changes based on the table
25 read. All other showrunning duties are secondary.

26 4. For every single season of television for which I have served as a
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1 showrunner, I have been credited as a writer (or co-writer) on at least one episode.
2 The episodes for which I am credited as a writer are those that I started writing in
3 the first instance from scratch (either alone or with a writing partner, if I am
4 working with a co-writer).

5 5. The fact that I am not credited as a writer or co-writer on more
6 episodes each year does not mean that I am not equally involved in the writing of
7 those scripts. Even if I assign a script to another writer, I am nonetheless involved
8 in every single step of the writing process of that episode through the development
9 of the story arc and outline for that episode, and by giving notes and other edits to
10 that writer's drafts. Moreover, even after the writer assigned to the script turns in a
11 "final" draft, I generally rewrite significant portions of the script, or lead a group
12 rewrite, as part of my job of guaranteeing the quality of scripts that I send out for
13 production.

14 6. Accordingly, I have written or rewritten at least portions of literally
15 every single episode of television for which I served as the showrunner. By
16 "writing" or "rewriting," I mean sitting in front of a computer with the script open
17 in a word processing program, writing lines of dialogue or other aspects of a script.

18 7. On all the shows that I have run, my practice is to take a credit as a
19 writer (or co-writer) only on those episodes that I write in the first instance from
20 scratch. Even when I substantially rewrite someone else's script I do not take a
21 writing credit, even though in many cases it would be perfectly permissible for me
22 to do so under the Writers Guild of America credit system. I do not take a credit in
23 those circumstances because the "Written By" credit is a source of pride for
24 members of a TV writing staff, and because I believe the writer assigned to the
25 script deserves to have his or her hard work recognized. In addition, being credited
26 as having written an episode can increase the compensation of members of the
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1 writing staff, and writers deserve those “script fees” as a reward for their singular
2 focus on the episodes to which they were assigned.

3 8. In addition to being my top concern as a showrunner, writing is also
4 the primary skill that I bring to a television production. Studios hire me to run
5 television programs largely because of my writing – they believe that I can
6 consistently produce scripts that meet the studio’s (and my own) expectations. The
7 showrunner is nearly always the person credited as the writer of the pilot episode
8 of a new television program, and I have been so credited on every single pilot
9 episode for the shows that I have run. The credited writer of the pilot is usually the
10 same person who ultimately runs the show because the job of the showrunner is to
11 continue writing in the same voice as the pilot. Moreover, studios make their
12 decisions about which shows to take to series principally based on the ideas,
13 themes, characters, and dialog contained in the pilot, and they hire showrunners to
14 ensure that the promise and key attributes of the pilot episode continue throughout
15 the remainder of the season and series. There is simply no way for showrunners to
16 fulfill that role if they are not intimately involved in every single aspect of the
17 writing process.

18 9. Even though production studios value showrunners like me for our
19 writing skills, showrunner compensation does not always reflect the fact that we
20 are being hired principally to write and principally for our writing skills. My
21 compensation as a showrunner is nominally comprised of certain wages, payments,
22 and fees for “writing services” and other wages, payments, and fees for “producing
23 services.” But the allocation between those two types of wages, payments, and
24 fees has nothing to do with how I allocate my time between writing and producing
25 or what value I bring to a production. Instead, it is my understanding that
26 production studios allocate my compensation between those two categories largely
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1 for complex financial and budgetary reasons. For example, studios have a
2 disincentive to make payments to me for writing services because payments for
3 “producing services” do not trigger an obligation for the studio to make payments
4 to the Writers Guild Health Fund and Pension Plan.

5 10. If I did not spend the majority of my time each week performing the
6 writing services described above, the projects on which I have worked would have
7 needed to hire additional writers to perform that work. On every single television
8 program there is a certain amount of writing work that needs to be done. If I were
9 to cease any or all of the many writing duties detailed above, it would be necessary
10 to hire additional writers to provide those services. It is my belief that at least one
11 or two additional writers would need to be hired on each of my projects if, for
12 some reason, I were to cease performing these writing services.

13 11. It is true that as a showrunner I also take on certain “producing”
14 duties—that is, things that are outside of the scope of writing work defined in the
15 WGA collective bargaining agreement. But these producing tasks are a small
16 percentage of my duties as a showrunner and far from my top priority.

17 12. In fact, I and most other showrunners with whom I am familiar
18 delegate day-to-day responsibility over the physical production to other
19 professionals so that we have more time and energy to write and focus on scripts,
20 which are the core of my responsibilities as a showrunner. Those professionals
21 include a line producer, whose day-to-day tasks are directly related to the physical
22 production, including managing the budget, hiring directors, choosing shooting
23 locations, and liaising with production studios. I also employ a manager and
24 producing partner, who takes on many of those “producing” responsibilities. In
25 fact, one of the first jobs of a showrunner is to hire people who can tackle as many
26 of these tasks as possible, in order to allow the showrunner more time to focus on
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1 writing. The showrunner often has final say in these producing decisions, but that
2 does not mean they occupy nearly as much of his or her time as the development
3 and execution of scripts.

4 13. Moreover, the producing tasks that I perform as a showrunner are
5 inextricably linked with, and an extension of, the writing tasks described above.
6 Even when I am engaged in activities that seem less directly related to writing
7 (such as approving the choice of filming locations), every decision I make is
8 inextricably intertwined with my core writing responsibilities. When I approve
9 filming locations or sets, for example, I am always focused on ensuring that the
10 decisions about physical production will be faithful to the script that I and the
11 writing team have produced.

12 14. I have reviewed the analysis of Dr. Edward Snyder, who submitted
13 declarations in support of the motions for a preliminary injunction filed by plaintiffs
14 William Morris Endeavor Entertainment, LLC and Creative Artists Agency, LLC.
15 Dr. Snyder asserts that showrunners like me “primarily perform managerial
16 functions” rather than writing services. *See* Dkt. 157-5 at ¶24.

17 15. Based on my own experience as a showrunner and my knowledge of
18 the day-to-day tasks of fellow showrunners, Dr. Snyder’s description of what
19 showrunners do is wrong. Were Dr. Snyder to spend a single hour in a writers’
20 room, he would see clearly that the primary duties of showrunners are *writing*
21 duties. There may be a few showrunners who do not perform the writing duties
22 described in his declaration, but they are a small percentage of the showrunners
23 working at a given time on television programs. It’s difficult for me even to
24 imagine the composition and workflow of such a room.

25 16. Other contentions in Dr. Snyder’s report do not describe my
26 experiences as a showrunner or what I know to be the practice of other
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1 showrunners in television. Dr. Snyder asserts, for example, that showrunners are
2 “principally responsible for decisions to hire and fire creative talent” and that the
3 core duties of a showrunner are “managing the hiring, firing, and day-to-day work
4 of a long line of writers, actors, and creative departments.” Dkt. 157-5 at ¶¶23, 32.
5 In fact, I do a very small amount of hiring and firing or managing of other creative
6 departments as a showrunner. Generally I oversee the hiring of writers at the very
7 beginning of a season, and then (hopefully) no personnel decisions need to be
8 made for a long time. I also, at the beginning of a production, oversee the hiring of
9 department heads and other personnel, but often those people are already known to
10 me, or else are found and recommended by the line producer. Over the course of a
11 season there will be a few meetings about staff members to hire. After those
12 meetings, however, I generally do not spend time worrying about staffing or
13 managing the production departments. Instead, I am mostly engaged in writing
14 with the writing team.

15 17. In many cases, the hiring of one person – such as a Director of
16 Photography – will lead directly to the hiring of dozens of other people, because
17 that person will have a crew he or she has worked with before, and trusts. In a
18 properly-functioning production, the vast majority of these managerial decisions
19 occur before the actual work of writing scripts begins in earnest, and thus do not
20 conflict with the time spent on the scripts.

21 18. Dr. Snyder contends that “showrunners generally do not compete for
22 work with Writers.” *See* Dkt. 157-5 at ¶38. That is also wrong. Nearly every
23 member of a writing staff in Hollywood will at some point work on his or her own
24 pilot, and if a writer’s pilot gets picked up then that writer is now a showrunner and
25 has to learn how to run a show on the fly. These days, it is not uncommon for a
26 showrunner on a long-running show to lose several members of the showrunner’s
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1 staff when those writers on the staff become showrunners on their own projects. I
2 have experienced this personally on shows that I have run.

3 19. Similarly, it is also not uncommon for writers who have served as
4 showrunners on one project to work on another, later project as a member of the
5 writing staff in a non-showrunner position. For example, after *Master of None*
6 debuted, the co-creator and showrunner of *Master of None*, Alan Yang, wrote an
7 episode of *The Good Place* as a member of *The Good Place*'s writing staff. When
8 Alan performed those writing duties on *The Good Place* he was displacing another
9 writer who could have written that episode.

10 20. Showrunners whose shows end or are canceled also often rejoin the
11 staffs of shows they wrote on previously, or on other shows produced by the same
12 studios as their canceled shows, serving not as showrunners but simply as members
13 of the staff. Movement between "showrunner" and non-showrunning staff member
14 is common and fluid. It is also common for a member of the staff to become a
15 showrunner if the current showrunner decides to leave the show, is fired, or begins
16 work on another project while the show is still running.

17
18 I declare under penalty of perjury under the laws of the United States that
19 the foregoing is true and correct.

20
21 Executed this 3rd day of December, 2020 at Los Angeles, CA.

22
23 
24 _____
25 Michael Schur