UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

WRITERS GUILD OF AMERICA, WEST, INC., and WRITERS GUILD OF AMERICA EAST, INC., Plaintiffs, vs. PARAMOUNT SKYDANCE CORPORATION, and WARNER BROS. DISCOVERY, INC., Defendants.	Case No. 3:26-cv-07212-AMO **DECLARATION OF DAVID G. KOEPP IN SUPPORT OF MOTION FOR A PRELIMINARY INJUNCTION**

I, **DAVID G. KOEPP**, hereby declare as follows:

1. I am a professional screenwriter and director.

2. I have been a member of the Writers Guild of America since 1989, initially as a member of the Writers Guild of America, West, and since 2004 as a member of the Writers Guild of America East.

3. I began my professional writing career in the late 1980s. Over the course of nearly forty years, I have written for virtually every major studio, including Universal, Paramount, Warner Bros., Sony, and others. My credits include well-known movies including *Disclosure Day*, *Jurassic Park*, *Mission: Impossible*, *Spider-Man*, *War of the Worlds*, *Panic Room*, *Indiana Jones and the Kingdom of the Crystal Skull*, and *Inferno*, among many others. I have worked as both a writer for hire and as a writer of original material written on spec (i.e., on speculation, completed independently and then sold to the most attractive buyer). I also have experience across the full range of studio feature film production, from films budgeted at $5 million to films budgeted at over $200 million.

4. I make this sworn Declaration in support of Plaintiffs' Motion for a Preliminary Injunction. I have personal knowledge of the facts set forth in this Declaration and, if necessary, I could and would competently testify to this information.

SCREENWRITING AS A PROFESSION

5. A screenwriter works in one of three primary ways. First, a studio may hire a writer to write something the studio has already decided it wants to produce. This is called a writer-for-hire engagement, in which the writer pitches the studio on their approach to the material and contends with other writers for the assignment. Second, a writer may write a script entirely on spec and then sell the completed script to the most attractive buyer. Third, a writer may secure independent financing for a project and sell it to a distributor after the fact. Over the course of my career, I have worked in all three modes, but roughly equally between hired assignments and spec work.

6. The spec sale is the purest expression of market competition among studios in the

screenwriting business. When a writer completes a spec script and brings it to market, the goal is to create interest and urgency among as many buyers as possible simultaneously. In some cases, the presence of other interested studios can be the difference for selling a spec script at all. The presence of multiple buyers is crucial to creating an atmosphere of desirability, and this competition has the effect of driving up better deal terms, such as higher compensation, for the writer.

7. I have experienced the benefits of this competition firsthand. For example, in 2001, I wrote *Panic Room* on spec, a glossy studio thriller written expressly to attract a major movie star and a healthy production budget. I brought it to nineteen different financing entities on the same day, a deliberate strategy to "create heat," i.e., to force every prospective buyer to read immediately and respond before competitors could move.

8. Three studios entered serious competition for the script: Sony, Paramount, and Universal. Sony and Paramount engaged in a bidding war. I ultimately chose Sony because it offered terms that gave me the greatest confidence the film would actually get made. That outcome, three independent studios competing for the same script, each improving its offer in response to the others, was the product of a market with enough independent buyers to generate genuine competition.

9. If I brought the same script to market today, I would have meaningfully fewer options. The universe of studios capable of making a glossy, star-driven film at a healthy budget has contracted to only a handful of companies. For example, Sony remains somewhat active but has become considerably more cautious and risk-averse in its acquisition strategy. Disney is not a realistic option for material of that kind: its creative identity is defined by Lucasfilm, Marvel, Pixar, and animated properties, and pitching an original adult thriller to Disney would reflect a fundamental misunderstanding of the projects that get made by that studio. Fox, which would have been a serious buyer in 2001, is now a division of Disney and has severely reduced its theatrical output since the acquisition. Going from 19 viable buyers to a handful, and possibly fewer depending on the project, has fundamentally transformed the market.

10. As shown from this example, competition among buyers affects the price a writer receives for a script, and also whether certain kinds of projects get made at all. Studios are, by

institutional nature, risk averse. Executives are fired for making films that fail, not for passing on would-have-been hit films altogether. Not making a film is a safe decision, and, as a result, studios always look for reasons to pass. Competition among buyers is one of the primary forces that overcomes that institutional inertia. When a studio knows that a competitor is interested in the same material, the calculus shifts. In my experience, the risk of losing the project to a rival becomes more salient than the risk of making a film that underperforms.

11. A studio's creative identity also has a major influence over what gets made. Each major studio reflects the tastes and priorities of its leadership, and those tastes differ in ways that matter enormously to writers. When I worked extensively at Sony under Amy Pascal, her creative personality pervaded the studio's acquisitions. She was willing to take significant swings on franchise material. *Spider-Man* was greenlit, in substantial part, because Pascal believed in spending the first forty-five minutes of a superhero film establishing a character's inner life. When Sony management changed, Sony's philosophy changed materially. Projects that Pascal had championed, including an adaptation of a book called *Sleeping Giants* that I had been hired to write, were killed when the leadership changed. The creative mandate of a studio depends on the individuals running it, and those individuals differ meaningfully from one another.

12. Warner Bros. and Paramount exemplify this dynamic today. Warner Bros., under its current leadership, has demonstrated a consistent appetite for writers' visions. Films like *Sinners* reflect a studio willing to back original, auteur-driven material. Paramount, increasingly displaying the priorities of Skydance, tends toward a more muscular, commercial aesthetic. These different creative mandates are an essential aspect of which films are made and whose stories are told in our industry. A writer with a project that fits one studio's creative profile but not the other currently has the ability to find the right home, but that ability depends on the two studios remaining separate.

13. Another consideration for a screenwriter is the importance of a wide theatrical release. It is not suited for every project, and some films begin with a limited release before expanding. The wide theatrical release, however, is the standard against which everything else is measured. And for good reason: a film in wide theatrical release drives the conversation in a way that a streaming release simply does not. I have had one film go directly to streaming, and the experience confirmed

what I had observed from the outside: a streaming release generates attention for perhaps a week, and then it vanishes. In contrast, a theatrical film that connects with audiences lingers. It remains in the conversation, which has value both creatively (the sense that you made something people actually absorbed and carried with them) and economically, because a film that stays in the cultural conversation generates the downstream revenue that funds a writer's long-term livelihood.

14. Screenwriting is as different from television writing as a city is from a pair of socks. Although I have written a pilot and the subsequent episode for a CBS television series in 2002, I let the production team run it. I do not write for television, even though I genuinely admire the people who do it well, because the craft is entirely different from anything I know how to do. A feature screenplay runs between one hundred and one hundred thirty-five pages. You rewrite it many times. Studio legend, William Goldman, said screenplays are structure, and he was right: when something happens in a movie is as important as what happens. The entire art form is built on concision. In contrast, television asks a writer to hold an audience's attention for five hundred or six hundred pages, to give them enough of the story that they stay engaged but not so much that they stop returning. And then do it again next season. The skills required for the two are completely different.

15. On the buyer side, the distinction is equally sharp: film and television executives operate in separate silos within the same studios, with different mandates and budgets, and in my experience, little interest in what the other side is doing. If a studio passes on a feature, that budget does not get redirected to television. They are not substitutes for one another, creatively or commercially.

DISNEY'S ACQUISITION OF FOX

16. The Disney-Fox merger affected screenwriters in documented and observable ways. Before the acquisition, Fox released many theatrical releases, the majority of them non-franchise/IP films. Since the acquisition, the combined entity has significantly decreased theatrical releases under the Fox label, and most of those are legacy sequels or holdovers from the pre-acquisition development pipeline. Fox's Searchlight division has maintained a modest output of specialty films, but the broad, mid-budget, original theatrical program that defined Fox before the acquisition has

effectively ceased to exist.

17. The practical consequence for screenwriters was immediate and categorical. Writers stopped submitting projects to Fox as had been our practice. Not because anyone issued a directive, but because the creative identity that made Fox a meaningful buyer had been absorbed into Disney's priorities. Disney's identity is clear: Lucasfilm, Marvel, Pixar, live-action remakes of animated films, and a small number of Fox legacy projects. An original adult thriller, a political drama, a mid-budget character study, none of those belong in Disney's creative program, and every working writer understands that. The buyer that Fox represented did not migrate to Disney. It disappeared.

18. Disney has not filled the creative void that Fox's absorption caused. The gap left by Fox has remained a gap, and the writers, directors, and audiences who depended on Fox's distinct creative program have had no equivalent alternative.

THE PARAMOUNT-WARNER BROS. MERGER AND ITS EXPECTED EFFECTS

19. A merger of Paramount and Warner Bros. Discovery would replicate and accelerate the dynamics I have described, in a market that is already significantly more concentrated than the one I entered in the late 1980s.

20. The most direct harm is arithmetic. When only a handful of major studio buyers currently exists, reducing that number is a significant contraction of entities capable of making a large-canvas studio film. For a writer bringing a spec script to market, or competing for a major writing assignment, this reduction is not trivial. Every buyer that exits the market reduces the competitive pressure on the remaining buyers to improve their offers, accept more writer-friendly terms, or greenlight projects they might otherwise pass on.

21. When a merger brings new ownership to a studio, every project in development faces the same risk: a top-to-bottom review by new leadership, with preferences and priorities that may have nothing to do with the merits of the work. I am currently writing a project for Warner Bros., and I am aware that an acquisition could affect the likelihood of that project being completed, not because the project lacks merit, but because a new executive's creative preferences are unpredictable and the relationships that make projects move forward do not automatically transfer.

22. The creative harm compounds the economic one. I noted above that Warner Bros. and Paramount currently maintain distinct creative identities. When two studios merge, those identities do not coexist within the new entity. One displaces the other. The history of studio consolidation is consistent on this point: the acquiring entity's priorities prevail, the acquired entity's creative program contracts, and the writers whose work fit the absorbed profile lose a home for their work. Based on the stated priorities of the likely leadership of a merged Paramount-Warner Bros. entity, I would anticipate the result to reflect a more commercial, franchise-oriented aesthetic of Paramount and Skydance, and the Warner Bros. creative identity that has supported films like *Sinners* and *One Battle After Another* to be materially diminished.

23. One of the genuine pleasures and economic engines of this industry has been the phenomenon of dueling productions, two studios independently developing similar concepts, each racing to execute its version better and faster. For example, competing volcano movies in the 1990s including *Volcano* and *Dante's Peak*. Or two kid-friendly bug movies, *Antz* and *A Bug's Life*. Other examples include asteroid films, *Deep Impact* and *Armageddon*, or political action thrillers, *Olympus Has Fallen* and *White House Down*. This competition is unambiguously good for writers, directors, crews, and audiences: they generate more work, better compensation, greater creative output. These competitive situations can occur when one studio hears of another's project on a topic they are already producing and expedites their greenlight and production process in an effort to get its own project out to audiences first. A merged Paramount-Warner Bros. entity would have no financial incentive to sustain two competing versions of overlapping projects. It would simply kill one. The creative and economic value that competition generates would be lost, and it would be lost permanently.

24. In a small market like major Hollywood studios, losing one major studio to a competitor seems to me to be distinctly anti-competitive. I have watched this industry consolidate over nearly forty years and the trend runs in only one direction. A merger of Paramount and Warner Bros. would be another step in that direction, and the screenwriters, including myself, who make the films that these studios have built their identities on would bear the cost.

I, David G. Koepp, declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this ___ day of 7/19/2026 2026 in ___________________.

David Koepp

David G. Koepp

FILER'S ATTESTATION

I, David C. Brownstein, am the ECF User whose ID and password are being used to file this Complaint. In compliance with Civil Local Rule 5-1(i), I hereby attest that concurrence in the filing of this document has been obtained from each of the other signatories.

By: /s/ *David C. Brownstein*
David C. Brownstein