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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
CHRISTOPHER KEYSER 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, Christopher Keyser, 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 Writers Guild of America, West
5 continuously since February 1989, and have written for multiple television series,
6 including *L.A. Law*, *Party of 5*, *Significant Others*, *Time of Your Life*, *Lonestar*,
7 *Tyrant*, *Last Tycoon*, and *The Society*. I have served as a showrunner/executive
8 producer on all of these series except for *L.A. Law*. Taking into account all of the
9 programs on which I have served as a showrunner, I have “run” nearly 15 seasons
10 of television.

11 3. While a showrunner has both writing and production responsibilities,
12 the principal job of a showrunner is writing and working with the writing staff, and
13 the majority of my time is spent on tasks directly connected to writing. The core
14 writing tasks that I spend most of my time and energy on when working as a
15 showrunner include creating story arcs (i.e. the overall story for the entire season),
16 developing the stories for each individual episode, writing from scratch the scripts
17 of individual episodes, assigning other scripts to other writers to draft and then
18 providing notes and other feedback on their drafts, rewriting portions of scripts
19 drafted by others on the writing team, and making adjustments to the script during
20 filming.

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

26 5. The fact that I am credited as a writer or co-writer on a couple of
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1 episodes each year does not mean that I am not just as involved in the final script
2 of every single other episode. Even if I assign a script to another writer in the first
3 instance, I am nonetheless involved in every single step of the writing process of
4 that episode through the development of the story arc and outline for that episode,
5 by giving notes and other edits to that writer's drafts of the script, and by making
6 changes to the script as needed during production. Accordingly, I have been
7 directly involved in the writing of every single episode of television for which I
8 served as the showrunner.

9 6. If I did not spend the majority of my time each week performing the
10 writing services described above, the projects on which I have worked would have
11 had to hire additional writers to perform that work. On every single television
12 program there is a certain amount of writing work that needs to get done. If I were
13 to cease spending my time developing story arcs and episode outlines, writing
14 scripts from scratch, providing feedback on other writers' scripts, and rewriting
15 scripts that were initially drafted by other writers on the staff it would be necessary
16 to hire additional writers to provide those services. It is my belief that at least one
17 or two additional writers would need to be hired on each of my projects if, for
18 some reason, I were to cease performing these writing services.

19 7. It is true that as a showrunner I also take on certain duties that fall
20 outside of the scope of writing work defined in the WGA collective bargaining
21 agreement (referred to in this declaration as "producing" duties). But the
22 producing tasks that I perform as a showrunner are inextricably linked with, and an
23 extension of, the writing tasks described above. I perform my producing duties in
24 order to ensure that I and the writing team deliver a script that is a) capable of
25 being filmed; and b) faithfully filmed by the production team.

26 8. Put simply, there is no way to distinguish between the time that I
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1 spend writing and time that I spend producing. Even if I am engaged in activities
2 that seem less directly related to writing (such as helping choose filming locations
3 or casting), every single decision I make is inextricably intertwined with my core
4 writing responsibilities. Decisions at the outset of a season about what locations to
5 use for filming or whom to hire, for example, are completely intertwined with the
6 creative vision for the project. Choosing a specific shooting location or an actor
7 for a role will necessarily impact the season's narrative arc, which will often
8 change based on those decisions. Similarly, when I am writing individual episodes
9 I necessarily keep production issues in mind—e.g., is this scene that I am drafting
10 filmable within the episode's budget? But the fact that I keep those considerations
11 in mind while drafting dialogue and other aspects of a script does not mean that my
12 time spent drafting is not still 100% writing time.

13 9. My production duties after the script is written are similarly
14 intertwined with my writing responsibilities. Any problems that arise when I am
15 engaged in filming-related tasks are always directly related to the script and the
16 writing that I have performed. If a certain episode is overbudget, I often need to
17 make rewrites or cuts to the script to address the shortfall. If a certain location is
18 unavailable or unsuitable for filming, I often need to make changes to the script to
19 address that reality. It is impossible to separate the writing and producing aspects
20 of a showrunner's work because the two are completely intertwined.

21 10. In fact, the key to effective television productions is the efficiency of
22 having someone who can both produce *and* write. It is no accident that the vast
23 majority of showrunners are *writer*-producers. That is so because the key attribute
24 of a showrunner is being capable of creating the scripts that are the blueprint for
25 every single episode and then ensuring that those scripts are faithfully produced.
26 Someone with no involvement in the writing of the scripts could not play that role.

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

6 12. Dr. Snyder’s description of what showrunners do bears no
7 resemblance to my own experiences as a showrunner or my knowledge of the day-
8 to-day tasks of fellow showrunners. As discussed in this declaration, the primary
9 duties of showrunners are *writing* duties rather than managerial functions. There
10 are a handful of showrunners who do not perform the writing duties described in
11 this declaration. They are an exceedingly small percentage of the showrunners
12 working at a given time on television programs, however, and those non-writing
13 showrunners are often not WGA members.

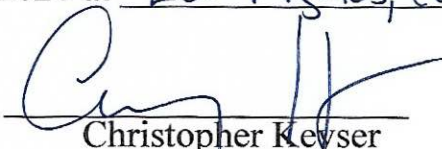
14 13. Other contentions in Dr. Snyder’s report do not describe my
15 experiences as a showrunner or what I know to be the practice of other
16 showrunners in television. Dr. Snyder contends that “showrunners generally do
17 not compete for work with Writers.” *See* Dkt. 157-5 at ¶38. That is also
18 inaccurate. It is very typical for screenwriters who have worked as a showrunner
19 on a project to later work on a different project as a non-showrunner member of the
20 writing team. To take just one recent example, I am currently reviewing
21 applications for the writing staff on the show that I am currently running, and of
22 the twenty or so applications I received five have previously worked as
23 showrunners on a different project but have nonetheless applied for non-
24 showrunner positions of the writing staff on my show. Similarly, one of the
25 members of the writing staff on *Tyrant* had previously run her own program prior
26 to writing for *Tyrant*. Dr. Snyder’s assertion that once one becomes a showrunner
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1 one is forevermore a showrunner and never a member of a writing staff is just
2 wrong.

3 14. Moreover, because writers often bounce back and forth between being
4 a showrunner and being a non-showrunner member of the writing team on
5 different projects, the compensation for showrunners and high-level writing staff
6 are interrelated. Based on my experience in the industry I know that the
7 compensation for the lower-paid showrunners and highest-level members of the
8 writing staff (generally Co-Executive Producers) are very similar (“Co-Executive
9 Producer,” notwithstanding what that title may suggest, is a writing role one level
10 below the showrunner in the hierarchy of a project’s writing staff). This is this
11 case because the compensation for lower-paid showrunners and high-level writing
12 staff members are connected. The compensation that beginner showrunners can
13 command is generally a slight premium over what they and others command as
14 Co-Executive Producers and, furthermore, the same writers will often jump
15 between showrunner jobs and Co-Executive Producer jobs on different projects.

16
17 I declare under penalty of perjury under the laws of the United States that
18 the foregoing is true and correct.

19
20 Executed this 2nd day of December, 2020 at Los Angeles, California

21
22 
23 Christopher Keyser