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Superior Court of California
County of Los Angeles

SEP 08 2016

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By: Isabel Arellanes, Deputy

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7 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

8 **COUNTY OF LOS ANGELES, CENTRAL CIVIL WEST DISTRICT**

9 COLIN HIGGINS PRODUCTIONS, LTD.,

10 Plaintiff,

11 v.

12 PARAMOUNT PICTURES
CORPORATION, and DOES 1-100,

13 Defendant.

17 AND RELATED CASES

Case No. BC499179

Related Cases: BC499181, BC499182,
BC500040, and BC540146

CLASS ACTIONS

**DECLARATION OF JAMES CASS
ROGERS, PRESIDENT OF PLAINTIFF
COLIN HIGGINS PRODUCTIONS, LTD.
IN SUPPORT OF PLAINTIFFS'
MOTIONS FOR FINAL APPROVAL OF
CLASS ACTION SETTLEMENT AND
ATTORNEYS' FEES, COSTS, AND
SERVICE AWARDS**

Date: November 7, 2016

Time: 10:00 A.M.

Dept.: 323

Assigned for All Purposes to:
Hon. Elihu M. Berle, Dept. 323

1 I, James Cass Rogers, hereby declare as follows:

2 1. I am the President of Colin Higgins Productions, Ltd. (“CHP”), one of the named
3 plaintiffs and proposed class representatives in the above-captioned class action against Paramount
4 Pictures Corporation (“Paramount”), and the loan-out company for the deceased Colin Higgins.

5 2. I submit this declaration in support of the Plaintiffs’ Motion for Final Approval of
6 Class Action Settlement and Motion for Attorneys’ Fees, Costs, and Service Awards. I am
7 personally familiar with the facts set forth in this declaration. If called as a witness I could and
8 would competently testify to the matters stated herein.

9 3. CHP decided to prosecute this class action lawsuit against Paramount in order to
10 recoup unpaid home video profit participation due to CHP and all other “profit participants”
11 without any promise of recovery or compensation. It is my understanding that this lawsuit could
12 not have been prosecuted or settled on behalf of all persons who entered into such profit
13 participation contracts with Paramount unless a profit participant, such as CHP, decided to serve
14 as a class representative. In deciding to serve as one of the Class Representatives in this case, I
15 understood there was a potential of CHP’s involvement being disclosed in the media, and a
16 potentially negative impact on CHP’s business relationship with Paramount and other entities in
17 the entertainment industry. Despite these risks, CHP decided to serve as a Class Representative.

18 4. I believe CHP has fulfilled its responsibilities as a Class Representative, which
19 required a significant dedication of my time and effort during the course of this litigation. These
20 efforts required dedicating numerous hours to case-related activities including, but not limited to:
21 (1) reviewing and responding to written discovery requests by Paramount; (2) searching for and
22 producing responsive documents related to this lawsuit; (3) preparing for and sitting for my
23 deposition by Paramount; (4) reviewing and approving court-filings, including the operative Class
24 Action Complaint and the Stipulation and Agreement of Settlement (“Settlement Agreement”);
25 and (5) staying informed and communicating with CHP’s attorneys regarding the status and
26 progress of this lawsuit including being in contact with CHP’s counsel at the mediation by
27 telephone. These activities required my dedication of time and resources that could have been
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1 spent on other matters. Further, at all times I was ready, willing, and able to testify on behalf of
2 CHP at trial if the case proceeded to trial.

3 5. As I indicated in my earlier declaration in support of the Preliminary Approval
4 Motion, I fully support the proposed settlement and believe it is fair, reasonable and adequate,
5 considering the risks of further litigation.

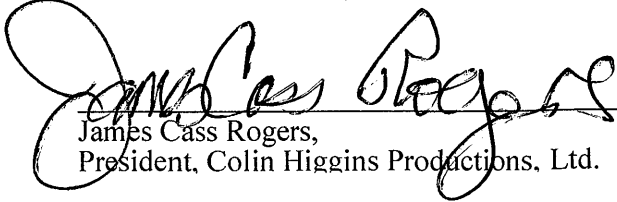
6 6. I believe that the proposed \$10,000 service award to CHP which the parties agreed
7 upon and proposed in the Settlement Agreement, subject to this Court's approval, is fair
8 compensation for CHP's service as a Class Representative in this case, for CHP's efforts in
9 helping to secure this proposed settlement on behalf of Class members, and for CHP's general
10 release of all claims against Paramount.

11 7. CHP has no interest or involvement in the governance or work of the Motion
12 Picture & Television Fund.

13 8. To the best of my knowledge, CHP does not have any conflicts of interest with any
14 member of the proposed Class.

15 I declare under penalty of perjury under the laws of the State of California that the
16 foregoing is true and correct.

17 Executed on August 29, 2016, at Los Angeles, California.

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20 James Cass Rogers,
21 President, Colin Higgins Productions, Ltd.
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