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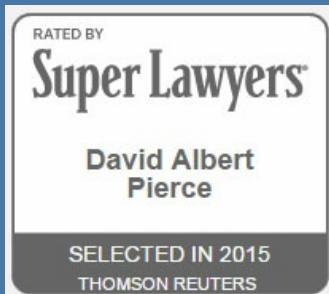
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Filmmaking is Dangerous! A Reminder About The Importance of Safety On Film Sets

By Anthony J. Hanna, Esq.

The film and television world was plagued by on-set injuries and deaths this summer. **Tom Cruise** has made the *Mission: Impossible* franchise iconic, due to his tendency to perform audacious stunts without the aid of a stuntman. Previously, he dangled from the world's tallest building, The Burj Khalifa for *Mission Impossible: Ghost Protocol*, and then from the outside of an Airbus 400 for the following film.

However, [Deadline Hollywood reports](#), that during a stunt on the latest *Mission Impossible* production, Cruise attempted a stunt that saw him "leap from one building and slam into another." In the process, the 55-year-old star broke his ankle. **Paramount** has since halted production for at least 6 weeks in order to allow Cruise time to rehabilitate his injury, but has maintained the film's **July 17, 2018** release date.

The injury comes on the heels of two other recent high-profile on-set injuries. *Deadpool 2*'s Vancouver set suffered a traumatic blow when novice stuntwoman, **Joi "SJ" Harris** was killed in a motorcycle stunt gone awry. [The Hollywood Reporter reported](#), "in the days leading up to the *Deadpool 2* motorcycle stunt that killed racer S.J. Harris on Aug. 14 in **Vancouver**, the crew was said to be growing increasingly agitated and nervous about the potential for something to go wrong." The stunt was by all-accounts a simple one, but Harris's background was limited entirely to pro-racing. Reportedly, several crew members had warned producers that Harris was unprepared, but such warnings may have gone ignored.



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Upcoming Releases



Click to Watch "Stronger" Trailer

Pierce Law Group LLP client, **Bold Films** is releasing their new drama **Stronger** on **September 22nd** for which we provided legal services.

The film is based on the memoir of the same name by **Jeff Bauman** and **Bret Witter**. It stars **Jake Gyllenhaal** and **Tatiana Maslany**.

Upcoming Speaking Engagements

On **September 14th** at **12:00pm**, **Vera Golosker** will be moderating a panel entitled **"#Fail: Legal Pitfalls of Social Media"** for the **BHBA's IP, Internet, & New Media Section** at **BHBA headquarters (9420 Wilshire Boulevard, Beverly Hills, CA 90212)**. The program will discuss advertising rules, copyright infringement, and defamation via social media.

On **September 27th** at **12:00pm** at **Lawry's Prime Rib**, the **Beverly Hills Bar Association's Entertainment Law Section** sponsors a panel called **"Show Me the Equity."**

According to **The Hollywood Reporter**, one crewmember even stated, "I was watching her and, oh my God, I thought, 'It's just a matter of time before she crashes into a wall or runs somebody over.'"

Deadpool 2 is shooting outside the United States, the accident and producers will thus face scrutiny from **WorkSafe British Columbia**, the Canadian provincial equivalent of **OSHA**.

OSHA is, however, investigating July's **The Walking Dead** related death. Veteran stuntman **John Bernecker** fell 30 feet to his death during production of the hit cable show's 8th season.

According to [The Hollywood Reporter](#), "Bernecker was supposed to fall from the balcony railing onto a pad made of a layer of boxes, PortaPit pads and another large pad, but missed the padding by inches." Although Georgia law enforcement authorities ruled the death an accident, **SAG-AFTRA** and **OSHA** investigations are ongoing.

What can we learn from these events?

It remains to be seen whether or not this recent onslaught of set-related injuries will lead to new **SAG-AFTRA** or **OSHA** negotiations, or on-set regulations.

Despite years of progress in safety, these events remind us that shoots can never simply assume that "safety happens." All productions are obligated by law to have an effective Safety Program (officially referred to in California as an **Injury Illness Prevention Plan**). Producers should also plan a Daily Risk Assessment, and have daily briefings to train employees accordingly.

Provide repeated site and task-specific safety reminders for each show. It's human nature to become nonchalant about hazards. Always emphasize to crew and actors to recognize any potentially dangerous situations.

A film or television shoot presents numerous occasions of what **OSHA** describes as "non-routine work" (tasks workers would not typically do), where the show must determine the safest way to perform the activity. Pause and think about each activity beforehand. Don't forget safety basics such as fall protection and electrical safety.

Pierce Law Group LLP is a leader in advising production companies on compliance with safety laws and the specific hazardous activities that surround film sets. For further information, contact [Anthony J. Hanna](#) or [David Albert Pierce](#).

Anthony J. Hanna is a partner of Pierce Law Group LLP. Prior to joining Pierce Law Group LLP he worked for a number of years for Screen Actors Guild. Tony specializes in union issues, child labor matters, and

workplace safety concerns.

David Albert Pierce is the Executive Vice Chairman of the Entertainment Section and Co-Chair of this event. For more information, [click here](#).

On October 5, 2017 from Noon - 2 pm at the Griffin Club (3084 Motor Ave., L.A., CA 90064) the California Society of Entertainment Lawyers will sponsor a panel entitled, "The Anti-SLAPP Roadmap: A Comprehensive Overview For Entertainment Lawyers."

To Register: visit <http://www.csel-la.org/events>. David Albert Pierce and Daniel Lifschitz serve as officers of the California Society of Entertainment Lawyers.

On Wednesday, October 18th at Noon at Lawry's Prime Rib, The Beverly Hills Bar Association's Entertainment Section sponsors a panel called "When Entertainment Transactional Attorneys Screw Up, The Sequel" For information regarding this panel, [click here](#).

On Saturday, October 21st on the USC Campus, The annual USC-BHBA Entertainment Law Symposium will occur. This all day event is one of the premiere entertainment industry panel programs with a wide array of speakers, including key note speaker Ben Sherwood (Co-Chairman Disney Media Networks, President, Disney/ABC Television Groups). David Albert Pierce is a member of the USC-BHBA Symposium's Curriculum Committee.

Spike Lee & Jordan Peele acquire PLG Clients' script "Black

FTC Issues New Guidance For Celeb Endorsers

By David Albert Pierce, Esq.

On September 7th the FTC sent out 21 warning letters to prominent social media influencers about proper disclosure of paid endorsements. This past week, the FTC also settled its first-ever complaint against Individual Social Media Influencers. Read more about these actions [here](#).

This past Spring, the FTC posted on its website updated Questions & Answers about the federal government's policy on regulating social media paid sponsorships and endorsers. Essentially nothing has changed in the policy. Social Influencers must disclose when they are paid by companies to tout their products. However, the FTC website now includes further guidance and a list of new frequently asked questions and answers which have become issues since the last FTC publication on the issue of celebrity endorsers. Perhaps the biggest change is the FTC's current position that simply "tagging a brand" via social media can now be deemed an endorsement governed by the FTC.

See Further Discussion [Here](#).

Pierce Law Group can provide guidance to endorsers and companies in regard to FTC compliance and the creative ways in which disclosures are and are not permitted. Contact [David Albert Pierce](#).

Disney Faces Class Action in Lawsuit Involving Proper Disclosures For Applicant Background Checks

A Los Angeles Superior Court Judge has certified a group of former **Disneyland** job applicants as a class. The plaintiffs claim that Disneyland background checks were in violation of the **Fair Credit Reporting Act (FCRA)**.

According to the Plaintiffs, **Disney** failed "to give the applicant a copy of the report and a notice of their rights under the FCRA before taking any adverse action based on the report's contents,"-- actions they are required to do under the act. The Plaintiffs also argue that Disney failed to adequately inform applicants that such a background report might be obtained.

Plaintiffs' class action counsel alleges that the 715 plaintiffs included in the class action are entitled to \$1,000 each in statutory damages.

Klansman"

Congratulations to our clients **Charlie Wachtel** and **David Rabinowitz** whose screenplay "**Black Klansman**" is being produced and directed by **Spike Lee's** in conjunction with **Jordan Peele's Monkey Paw Productions**. To read more about this deal, see [Hollywood Reporter story](#).

Reminder Regarding New I-9 Forms

Reminder to all Employers: U.S. Citizenship and Immigration Services (USCIS) has released a revised version of Form I-9. All employers must start using this new form (effective for new hires going forward) by **September 18, 2017**. Employers can access the new form by clicking [here](#).

Failure to comply with Form I-9 requirements exposes companies to potentially substantial penalties. Violations can be discovered any time a Federal Agency representative may be in a position to inspect your company files. For more information about proper Form I-9 compliance, contact [David Albert Pierce](#) or [Tony Hanna](#).

Pastrami With Pals



Blast from the past-- **Bev Pierce** recently visited L.A. and enjoyed a deli lunch with David and two of our most treasured

Remembering Joel Sadilek

On August 8, 2017, we lost our esteemed client Production Manager/Producer/Director **Joel Sadilek** who passed away following a yearlong battle with cancer. He was 48.



His final film for which he served as Line Producer, the **Sundance** hit, "**Ingrid Goes West**," is currently in theaters starring **Aubrey Plaza** and **Elizabeth Olsen**.

Joel was an honest and caring Line Producer with a genuine passion for independent filmmaking. He was originally from Cedar Rapids, Iowa. He will be missed.

Is Federal Legislation Coming For Child Actors?

Congresswoman **Grace Meng** (D-NY), has introduced a bill to congress that calls for widespread federal child actor regulation (similar to California's "**Coogan Law**") to replace the system which has widely left such regulations to states.

The bill would regulate the number of hours child actors could work, delegate a percentage of earnings which must be maintained in a restricted trust fund until the child turns 18, and the bill also improve the process through which child actors and child models could respond to on-set sexual harassment.

Pierce Law Group LLP will monitor the progress of this legislative initiative.

Past Speaking Events

team members from the past: the incomparable **Patrick J. Gorman** and the lovely & talented **Jignasha Patel**.

Welcome Will!

PLG-LLP our newest support staff member, **Will Mavity**. Will will serve as DAP's primary executive assistant. Will is originally from Atlanta, Georgia and in his spare time is the co-host of: "**TheNextBestPicture**" Podcast, a weekly film and Oscar news themed podcast available at:

<http://www.nextbestpicture.com/>.

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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David Albert Pierce participated in a panel with long-time talent manager, **Randi Siegel** (Randi Siegel Entertainment) at the **2017 Burbank Comedy Festival on August 18** at **Flappers Comedy** discussing the subject of "**Business and Legal Issues for Stand-up Comics.**"

Pierce Law Group LLP also served as a sponsor for this Comedy Fest which featured nearly 400 comedians performing over a 7 day period in downtown Burbank.



On August 26, **David Albert Pierce** spoke at the "**Independent, Now!**" day-long seminar program sponsored by **Filmmakers Alliance** and **Canon**. The event took place in the corporate offices of **Canon** in Burbank. DAP spoke on 2 panels. The first entitled, "**Show Me The Money**" and the second entitled, "**Getting It Made**" (a discussion of legal pitfalls and helpful tips for production)"

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