# February 2012 PARTO of California/Nevada PARTO of California/Nevada Provide Alifornia and Nevada Motion Picture Theatre Industry

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## 2012 Scholarship Application Deadline Approaching

Applications for one of 25 \$10,000.00 NATO of California/ Nevada 2012 scholarship awards are due in the Association's office by March 9<sup>th</sup>. Scholarship program information and applications are available at <u>www.NATOCalNev.org/scholarship</u> along with an application form that can be completed and submitted on line. Applications and the required supporting documentation must be mailed for receipt in the NATO of CA/NV office by Friday, March 9<sup>th</sup>.

In 2011 the Association's Board raised the number of its \$7,500.00 scholarship awards from 20 to 25; this year they increased the amount of each of those awards to \$10,000.00. In an effort to increase awareness of its important scholarship program the Association established a Facebook page and provided promotional materials to each of its members. Now it is up to our member theatres to utilize the materials and to encourage all eligible student employees to apply for this generous member benefit.

Contact the NATO of California/Nevada office by phone 310.460.2900 or at <u>Office@NATOCalNev.org</u> with any questions.

### AREADONALSA AREADONALSA

## NLRA Poster Requirement Delayed Until April 30

The National Labor Relations Board (NLRB) has postponed the effective date of its employee rights notice-posting rule until April 30.

Most private-sector employers must post a new notice issued by the NLRB entitled, "Employee Rights Under the National Labor Relations Act."

This poster requirement was scheduled to be implemented on January 31, 2012, but on December 23, 2011, the NLRB delayed implementation in response to a request by a federal court judge hearing a legal challenge to the poster requirement.

The National Association of Manufacturers has challenged the National Labor Relations Act (NLRA) poster requirement on multiple grounds. This is the second time that the NLRB has delayed implementation. Because this issue remains in litigation, there is a chance that this posting deadline will be delayed one more time.



#### Previews is published by the National Association of Theatre Owners of California/Nevada

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## In Memoriam Herbert R. Burton 1938 - 2012

Industry veteran Herbert R. (Herb) Burton who for 21 years was the executive director of ShoWest passed away on January 25, 2012.

Herb began his career in the exhibition industry back in 1960 when he joined the DeAnza Land and Leisure Company at their Valley Drive-In Theatre in Ontario, CA where he started as a snack bar attendant and subsequently worked his way up to become City Manager in San Diego for the company. In 1974 he met Bob Selig who recruited Herb to help out by volunteering his services for a concept group comprising theatre owners from 13 western states dubbed "Exhibitors West". The group held their first convention in 1975 at the Sheraton Harbor Island in San Diego and later moved to Las Vegas in 1978. By 1982 the name changed

to ShoWest, a subsidiary of the National Association of Theatre Owners of California/Nevada, and in 1984 Herb Burton was named Executive Director of ShoWest. He held that position until 2000 when the convention was sold to the Nielsen Company.

In 2000, Herb began a new career chapter forming a cinema consultancy with many interesting projects. One who always wanted to help out, he increased his long-time volunteer presence at St. Mary's Medical Center at Long Beach, California becoming the Solicitation Chairman for their Hospice auction.

Herb leaves a son, Brent; 3 daughters, Laurie, Barbara and Robyn; four grandchildren, three great grandchildren and his significant other for ten years, Diane Mansfield, and many industry friends.

The family has requested any donations in Herb's memory be made to the Will Rogers Foundation or the Motion Picture Television Fund.

### NATO of California/Nevada 2012 Meeting Dates

The following NATO of CA/NV meetings and seminars are scheduled for 2012.

Summer/Fall Film Product Seminar	Due to the late date of CinemaCon there will be no Film Product Seminar this Spring
Membership Meeting at AMC's Century City 15 Theatre	June 13
Board of Director's Meeting	June 13
Southern California Food Safety Certification Workshop	September 11
Northern California Food Safety Certification Workshop	September 13
Southern California Winter/Spring Film Product Seminar	October 23
Northern California Winter/Spring Film Product Seminar	October 25

## NATO of CA/NV Hosted NATO Regional Directors

PREVIEWS

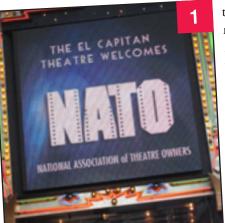
NATO Regional Directors from around the country convened for their annual meeting in Hollywood on Wednesday and Thursday, January 25 and 26<sup>th</sup>. As part of the meeting schedule NATO of California/Nevada hosted a tour of landmark theatres in Hollywood and downtown Los Angeles.

The tour started in Hollywood with visits to two landmark theatres, The El Capitan and the Cinerama Dome. At The El Capitan the tour was con-

ducted by General Manager Ed Collins who provided the history of the theatre from its earliest beginning as a legitimate theatre, to its 1941 conversion into a motion picture venue and through the restorations that brought it back to its original splendor. The first film to be shown was the Hollywood premiere of Orson Welles' *Citizen Kane*. The tour included a ten minute

showing of the 3D version of *Beauty* and the Beast with a special personal appearance by Belle who graciously took photos with the group. The tour also included a visit to the front of the theatre with a special demonstration of the Wurlitzer organ and the four presentation curtains, and then a back stage tour where live presentations accompany many of the films being shown at the theatre. The El Capitan is the home of Walt Disney films.

The next stop was Pacific's Cinerama Dome where John Sittig, the official historian for Cinerama, provided a tour of this landmark theatre. Mr. Sittig provided some historical aspects of the theatre as well as the phenomenon and popularity of the Cinerama process which was at the forefront of wide screen and surround sound in the 1950's. The visit included a screening of actual footage from







the first Cinerama film *This Is Cinerama* and the 10 minute trailer for *How the West Was Won*, both shown in their original three stripe format. Mr. Sittig also took the group on a walk-thru of the projection booth and provided each guest with Cinerama film clips.

Following lunch on the tour bus, which also included a guided tour of the city, the group arrived at its next stop, Regal's L.A. Live Theatre in downtown Los Angeles. This 14 screen theatre, the first theatre to be built in the downtown area of Los Angeles in over 20 years, is part of AEG's urban redevelopment project that includes Staples Center, the Nokia Theatre, Ritz

> Carlton and J.W. Marriott Hotels as well as multiple up-scale clubs and restaurants. This vibrant area is aptly called L.A. Live. The tour of the Regal theatre was conducted by General Manager Mark Behrang and included a screening of trailers in the 750 seat presentation auditorium. A tour of this magnificent theatre would not be complete without a visit to the multiple projection rooms that service this very special state of the art theatre.

Upon leaving L.A. Live Bud Coffey, official theatre guide from the Los Angeles Conservancy, moderated a tour of the historical theatre district in downtown L.A.'s main boulevard, Broadway, where at one time 18 motion picture theatres all operated at the same time. This final part of the tour truly showed the love of motion pictures and why Hollywood/ Los Angeles was and still is the movie capital of the world.

 The El Capitan Theatre's Hollywood Blvd. marquee welcomed NATO.
National NATO Regional directors posed with the Beauty and The Beast's Belle on stage at The El Capitan Theatre.
The tour included a visit to Hollywood's landmark Cinerama Dome theatre.
The tour stop in downtown Los Angeles was highlighted by a visit to Regal's state-of-the-art LA Live Theatre. The following articles written by John Fithian and the NATO staff for The President's Report are reprinted courtesy of national NATO.

PREVIEW

### **NATO Board Meeting**

NATO recently chose to hold their annual General Membership and Board Meetings alternately between Washington, DC, and Los Angeles, two key business centers for members. Accordingly, NATO's 2012 General Membership and Board Meetings will be held in the Los Angeles area, at the Fairmont Miramar Hotel in Santa Monica, CA, on Wednesday-Thursday, October 3-4, 2012. All NATO members are welcome and encouraged to attend.



The Fairmont Miramar Hotel in Santa Monica is the site of NATO's 2012 General Membership and Board Meetings.

### **LEGISLATION**

### **Debit Interchange Fees Capped**

Under Federal regulations that went into effect in October, debit card interchange fees that the country's largest banks charge businesses are now capped at no more than 21 cents per transaction—plus 0.05 percent of the purchase price and an additional 1 cent for fraud prevention. According to the National Retail Federation, debit card interchange fees totaled about \$20 billion annually prior to the new regulations.

The rules are in response to the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010, which required the Federal Reserve to issue rules that would result in interchange fees that are "reasonable" and "proportional" to banks' costs in processing debit card transactions. Financial institutions with less than \$10 billion in assets were exempt. NATO lobbied in support of caps on debit card fees.

### Progress on NATO-CBG Payment Card Partnership

NATO is in discussions with the nation's top payment card processers regarding a proposed referral partnership to offer our members increased savings on credit card and debit card payment processing services. Enrollment in the program will be open to exhibitors who are either NATO or CBG members.

#### **INDUSTRY DATA**

As of December, 2011

#### **Box office and Admissions**

2011 began with extremely challenging comparisons to 2010. With *Avatar* accumulating most of its North American gross in January 2010 and *Alice in Wonderland* in March, the Q1 comparison was unsurprisingly dismal – down 21.3% compared to Q1 2010. The entire \$565 mil-lion shortfall can be accounted for by the 2010 grosses of those two films.

Since the end of Q1, both box office and admissions have outpaced the same portion of 2010, by 2.3% and 1.4%, respectively. Summer 2011 achieved a new box office record of \$4 billion – a 4.4% increase over 2010 – and admissions gained 1.8%.

Through December 4, 2011, YTD box office trailed 2010 by 4.1% and admissions were behind 5.5%. As we head into an unusually packed holiday movie-going season, 2011 box office will have to gross \$1.19 billion in order to match 2010's box office total. By comparison, 2010's gross over the same period, with a markedly weaker slate, was \$790 million.

#### Average Ticket Price

The average ticket price for Q3 2011 was \$7.94. That is an increase of 23 cents from Q3 2010 and a decline of 12 cents from Q2 2011. The year-to-date average for the first three quarters of 2011 is \$7.96. By way of comparison, the average ticket price in 1971 was \$1.65. Adjusted for inflation, that 1971 movie ticket would cost \$9.22 in 2011 dollars.

#### Screen Count

As of October 2011, there were 39,778 screens at 5,733 locations in the U.S., for an average of 6.93 screens per location. At the same point in 2010, there were 39,440 screens at 5,779 locations, for an average of 6.82 screens per site.

The following articles written by John Fithian and the NATO staff for The President's Report are reprinted courtesy of national NATO.

PREVIEWS

#### **CAPTIONING**

## U.S. Exhibitors Confront Increased Requirements For Captioning and Video Description

### Justice Department Rule Still Pending

NATO members will recall that the U.S. Department of Justice issued an Advanced Notice of Proposed Rulemaking some time ago seeking comment on the proposition that captioning for the deaf and video description for the blind should be provided in 50% of the theater auditoriums in the country. Though that suggested rule is still pending, it is nowhere near final. Given the additional required steps before the rule could become final, combined with recent statements from Department officials, we do not believe it's likely that any final rule will be issued prior to the end of 2012.

Nonetheless, given the fact that (1) a final Justice Department rule is highly likely at some point; (2) that some state officials can and likely will require greater installations; (3) that the digital cinema transition has accelerated and likely will be completed in less than two years; (4) that digital cinema makes it easier to provide captioning and description; and (5) that several large circuits plan to equip all of their auditoriums, all exhibitors in the United States should consider including captioning and description solutions with their digital cinema roll-out plans.

The convergence of digital cinema and disability access constituted a key theme at the annual NATO meetings in Washington, where members heard a presentation from Eve Hill, Senior Counsel to the Assistant Attorney General, Civil Rights Division, Department of Justice. Ms. Hill suggested that the Department continues to work on its proposed rule and that the ideal time for exhibitors to install captioning and description equipment is when a theater converts to digital equipment.

### State Officials and Interest Groups are Likely to Pursue Even More Onerous Requirements

Over the past several years, public officials and advocacy groups in at least five different states have also pursued requirements for theatres to install captioning equipment under existing state disabilities laws. Similarly, legislators in at least four different states have proposed legislation with the same intent. These proposals typically go beyond the suggested requirements from the Department of Justice. In other words, even if the Department of Justice issues a final rule that only requires some percentage of auditoriums to be equipped, many states have and will continue to pursue one hundred percent penetration.

### Harkins Announces Voluntary Captioning Conversion: Settles Long-standing Litigation

A disability rights group and the State of Arizona had sued Harkins Theatres demanding that Harkins add more captioning systems in its theatres. While the litigation was pending, Harkins voluntarily announced plans on August 23, 2011 to convert almost all of its auditoriums to digital and install closed captioning systems and descriptive audio in all of its digital auditoriums. (Harkins began the installations this fall, and expects to conclude the installations across 346 auditoriums in 25 complexes by the end of 2012.) In early November, the Harkins litigation was settled.

### Other Major Circuits Plan 100% Installations in Digital Auditoriums

Regal Cinemas and Cinemark have also announced that they intend to install captioning and video description systems in practically all digital locations nationwide by the end of 2012, absent manufacturing delays. It is our understanding that additional large circuits in the U.S. plan to equip all of their theatres, but have yet to announce their intentions publicly.

### **Cinemark Theatres to Offer Healthy Snacks**

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Cinemark, the nation's third-largest theatre chain, is expanding its healthy-eating concession items. The exhibitor, which was the first to use Canola oil instead of highly saturated coconut oil to prepare popcorn and began dropping other snacks containing trans-fats two years go, is introducing a 450-calorie snack pack called Lite Bites, containing a "calorie counter" portion of Orville Redenbacher popcorn, a Jamba Fruit and Nut Trail Mix, and a 16 oz. cup of Coke Zero. In a statement, Bob Shimmin, head of food and beverage for Cinemark, said that the exhibitor recognizes that "moviegoers want options, and we continue to seek out lower calorie, lower fat, and smaller portioned alternatives. ... Lite Bites is ideal for those that enjoy a traditional movie snack but desire a portion tailored to their dietary goal." The statement did not indicate how much the snack pack will cost.

### **ABC to Screen New Show in Theatres**

Reprint from The Wall Street Journal By Sam Schechner and Christopher S. Stewart

PASADENA, Calif.—Walt Disney Co.'s ABC plans to screen the opening episode of its new thriller "The River" in movie theatres before it premieres on television, part of a broader effort by TV executives to get their shows noticed in an increasingly splintered entertainment world.

Talking to reporters at a briefing at the semi-annual Television Critics Association press tour here on Tuesday, Paul Lee, president of Disney's ABC Entertainment Group, said he wants to build buzz leading up to the show's premiere, rather than relying simply on distracted viewers to tune in to the first episode.

"You're going to see us do it on a number of the shows that are coming out," said Mr. Lee, following a press conference in which he sat at the center of a mostly empty stage with his sleeves rolled up.

The strategy, known as pre-sampling, is also being used at News Corp.'s Fox Broadcasting and NBC, owned by Comcast Corp. NBC's musical "Smash," for instance, will appear three weeks before its premiere online and on on-demand. (News Corp. also owns *The Wall Street Journal*.)

The move highlights the struggle for networks to stand out as viewers fan out to watch a growing number of shows on a growing number of cable and Web outlets. Mr. Lee, for instance, has been staggering premieres throughout the year to avoid having too many marketing campaigns competing for viewers' limited attention, an approach used by cable channels.

"You don't want to have a network that is promoting too many things at once," Mr. Lee said. "That's a little more cable than broadcast."

Racy titles will also play into the buzz offensive, starting in the spring with the Texas-based soap "GCB," based on the book "Good Christian Bitches," followed by the not-so subtle "Don't Trust the B— in Apartment 23."

"On broadcast it turns out it's not a word you want to use in the title," Mr. Lee said, referring with a laugh to the "b word." "At the same time, we'd love to have people saying, 'there's something here edgy and interesting that I'd like to be a part of."

While ABC managed this past fall to land some relatively successful new shows, including fairy-tale drama "Once Upon a Time," the network needs to find more new hits. Overall, ABC's prime-time shows are drawing 3.9% fewer viewers between 18 and 49 years old so far this season, from Sept. 19 to Jan. 1, than they did the same period a year earlier, according to Nielsen. By that measure ABC is flirting with the same numbers as NBC, behind both CBS and Fox, among the four most-watched U.S. television networks.

## NATO of CA/NV Board Meeting Held at Variety Boys' and Girls' Club



NATO of California/Nevada's semi-annual Board of Directors meeting was held on January 31<sup>st</sup> at the new Variety Boys' and Girls' Club in East Los Angeles where the Association funded a room to be known as the *National Association of Theatre Owners of California/ Nevada Media Center.* The room will be equipped with state of the art equipment promoting the use of new technology in the community.

Shown in the photo are Board Members (l-r) Frank Rimkus, Hal Sawyer, President Milt Moritz, David Corwin, Jerry Forman, Chris Blevins and Raymond W. Syufy. Also attending the meeting but not in the photo were Bruce Coleman, Clyde Cornell, Nora Dashwood, Lyndon Golin, George Krikorian, Scott Lotter, Ed Moyer and Ted Mundorff.

## Film Rating Enforcement Survey

**FALA** 

A new Undercover Shopper Survey is scheduled to take place in the next few months by the Federal Trade Commission (FTC). The survey is intended to see just how the various entertainment industries comply with the media rating systems.

All exhibitors, regardless of the size of your company or theatre, should renew your vigilance on the enforcement of the rating system. The survey conducted in movie theatres during November and December 2010 showed underage shoppers were able to purchase more R-rated tickets than for a previous period. It is to the welfare of the industry that every theatre makes sure the rating system is in full compliance regardless of the size or location. The FTC has no guidelines as to where the Mystery Shopper will visit.

#### NATO Member Checklist

- □ **ID-Check Policy Reminder** Member company executives should remind all company employees of your ID-Check policy for "R" and "NC-17" rated films, via company-wide memo, staff meetings, and other appropriate communication channels.
- Personnel Policy Review Ratings compliance officers should review their personnel policies to ensure proper emphasis on ratings education and enforcement. Any updates or enhancements in those policies should be promptly communicated to all employees.
- Display Ratings Posters Ratings compliance officers should take steps to ensure that posters explaining the ratings system are displayed in every theater complex. Contact NATO if you need additional posters. (A ratings poster request form is enclosed with this checklist.)
- □ Include Ratings Information on Web Site Ratings compliance officers should work with their company information technology providers to ensure that ratings information is included on your company's web site. (A checklist specific to web site information is also enclosed.)
- □ Include Ratings Information and Protocols on Online <u>Ticketing Systems and Kiosks</u> – Ratings compliance officers should review the online ticketing system and ticketing kiosks utilized by your company to make sure that ratings information is included in the system. You should also review the prompts utilized when tickets for "R" and "NC-17" rated movies are ordered to ensure proper age requirement notification.
- Monitor One-Sheets to Ensure Ratings Information is Included Once the Movie is Rated – Studio marketing departments should distribute movie posters with ratings information once a movie is rated. Theater personnel must ensure that unrated posters are replaced with rated posters once they become available. If rated posters are not made available after a movie is rated, theater personnel should inform NATO.



- Reach out to Local Newspapers Ratings compliance officers and company marketing executives should contact newspapers with whom you do business to encourage them to include reasons for the ratings in their movie reviews.
- Reach out to Community, Parent and Religious Organizations Company executives and ratings compliance officers should consider using the NATO ratings power point to provide tutorials to local groups on the rating system. Electronic copies of the tutorial can be obtained by going to www.natoonline.org and clicking on the Ratings Links.
- □ General Patron Education Company executives and ratings compliance officers should investigate additional ways to use this month to educate patrons about the ratings system. Post your company's ratings policy where all patrons can see. Encourage box office attendants to mention the ratings in their conversations with patrons. Conduct theater open houses and disseminate ratings information. Reach out to local schools. Create employee contests with ratings themes. Be creative and have fun!



# Academy Award<sup>®</sup> Contest

Previews, the monthly newsletter of NATO of California/Nevada, is sponsoring its annual Academy Awards® contest, open only to employees of NATO of California/ Nevada members. The winner will be selected based upon the most correct answers; in case of a tie, the prize will be awarded based upon order of receipt of entry in the NATO of CA/NV office.

Fill in your choices and return to the NATO of CA/NV office by 4:00PM on Friday, February 24, 2012. Only one entry per person, the first one submitted, will be accepted.

#### 1. Best Motion Picture of the year

- "The Artist"
- "The Descendants"
- "Extremely Loud & Incredibly Close"
- "The Help"
- Generation "Hugo"
- "Midnight in Paris"
- "Moneyball"
- "The Tree of Life"
- "War Horse"
- 2. Actor in a leading role
- Demián Bichir in "A Better Life"
- George Clooney in "The Descendants"
- Jean Dujardin in "The Artist"
- Gary Oldman in "Tinker Tailor Soldier Spy"
- Brad Pitt in "Moneyball"
- 3. Actress in a leading role
- Glenn Close in "Albert Nobbs"
- □ Viola Davis in "The Help"
- **Q** Rooney Mara in "The Girl with the Dragon Tattoo"
- □ Meryl Streep in "The Iron Lady"
- □ Michelle Williams in "My Week With Marilyn"
- 4. Actor in a Supporting Role
- □ Kenneth Branagh in "My Week With Marilyn"
- □ Jonah Hill in "Moneyball"
- Nick Nolte in "Warrior"
- □ Christopher Plummer in "Beginners"
- □ Max von Sydow in "Extremely Loud & Incredibly Close"

- 5. Actress in a Supporting Role
- Bérénice Bejo in "The Artist"
- □ Jessica Chastain in "The Help"
- □ Melissa McCarthy in "Bridesmaids"
- □ Janet McTeer in "Albert Nobbs"
- □ Octavia Spencer in "The Help"
- 6. Achievement in Directing
- □ Michel Hazanavicius, "The Artist"
- Alexander Payne, "The Descendants"
- Martin Scorsese "Hugo"
- □ Woody Allen, "Midnight in Paris"
- □ Terrence Malick, "The Tree of Life"

#### 7. **Original Screenplay**

- Michel Hazanavicius, "The Artist"
- □ Annie Mumolo & Kristen Wiig; "Bridesmaids"
- J.C. Chandor "Margin Call"
- Woody Allen "Midnight in Paris"
- Asghar Farhadi "A Separation"

#### 8. Achievement in film editing

- "The Artist"Anne-Sophie Bion & Michel Hazanavicius
- "The Descendants" Kevin Tent
- "The Girl with the Dragon Tattoo" Kirk Baxter & Angus Wall
- □ "Hugo" Thelma Schoonmaker
- □ "Moneyball" Christopher Tellefsen
- 9. Achievement in cinematography
- "The Artist" Guillaume Schiffman
- "The Girl with the Dragon Tattoo" Jeff Cronenweth
- □ "Hugo" Robert Richardson
- "The Tree of Life" Emmanuel Lubezki
- "War Horse" Janusz Kaminski

- \_\_\_\_\_

### \_\_\_\_\_Daytime Phone: \_\_\_\_\_

Name: Company:

\_\_\_\_\_Title: \_\_\_\_\_

Fax completed entry to 310/460-2901 or mail to National Association of Theatre Owners of California/Nevada, Attn: Academy Contest, 11661 San Vicente Blvd., Suite 830, Los Angeles, CA 90049.

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#### 10. Achievement in art direction

- "The Artist"
- "Harry Potter and the Deathly Hallows Part 2"
- "Hugo"
- "Midnight in Paris"
- "War Horse"

#### 11. Achievement in costume design

- Lisy Christl, "Anonymous"
- Mark Bridges, "The Artist"
- Sandy Powell, "Hugo"
- Michael O'Connor, "Jane Eyre"
- □ Arianne Phillips, "W.E."
- 12. Achievement in makeup
- Martial Corneville, Lynn Johnston & Matthew W. Mungle "Albert Nobbs"
- Nick Dudman, Amanda Knight & Lisa Tomblin "Harry Potter and the Deathly Hallows Part 2"
- Mark Coulier & J. Roy Helland "The Iron Lady"
- 13. Achievement in sound editing
- "Drive"
- "The Girl with the Dragon Tattoo"
- "Hugo"
- "Transformers: Dark of the Moon"
- "War Horse"
- 14. Achievement in visual effects
- "Harry Potter and the Deathly Hallows Part 2"
- "Hugo"

- "Real Steel"
- "Rise of the Planet of the Apes"

(Original Song)

"Real in Rio" from "Rio"

16. Best foreign language film

"Om Darlmess", Poland

"Monsieur Lazhar", Canada

"Bullhead", Belgium

"Footnote" Israel

□ "A Separation" Iran

E-mail

"Transformers: Dark of the Moon"

15. Music in connection with motion picture

"Man or Muppet" from "The Muppets"

NATO of California/Nevada

Febuary 2012



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