

PREVIEWS

Information for the California and Nevada Motion Picture Theatre Industry • May 2004

Calendar of Events and Holidays

May 31

Memorial Day

June 10

Annual Membership Meeting

June 10

Announcement of Scholarship Recipients

June 14

Flag Day

June 20

Father's Day

June 20

First Day of Summer

July 4

Independence Day

NATO of California/Nevada Membership Meeting Set For June 10th

The NATO of California/Nevada annual membership meeting is set for Thursday, June 10th, at the ArcLight Cinemas in Hollywood. The meeting will start at 10:00AM to be preceded by a continental breakfast at 9:00AM. Employees of all member companies are invited to attend.

A special power point presentation will be featured sharing the results of an audience reaction survey recently commissioned by NATO of California/Nevada. The survey dealt with the overall theatre going experience with an emphasis on screen advertising. The program will also include an introduction of the new officers of the

Association and a report from Terri Thomas, the Association's lobbyist in Sacramento, covering current happenings in the capitol as well as the progress of Governor Schwarzenegger and his staff. 2004 scholarship winners will be announced at the meeting.

The ArcLight Cinemas are located on the same site as Hollywood's landmark Cinerama Dome at 6360 West Sunset Blvd., one block west of Vine Street. Validated parking will be provided in the parking structure immediately behind the theatre.

Attendance to the meeting is by reservation only, kindly RSVP by June 1st to 310/652-1093 or Office@NATOCalNev.org.



Above photos are of the forecourt of the ArcLight Cinemas, home of the 2004 NATO of California/Nevada annual membership meeting, and its spacious lobby and café bar. This destination cinema experience complex is set against the background of Hollywood's historic landmark, the Cinerama Dome.

Routing Slip

Please share *Previews* with other people in your organization:

- _____
- _____
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- _____

Check the NATO of CA/NV website

www.NATOCalNev.org

for information and submittal forms for the new
NATO of California/Nevada 2005 Showmanship Awards program,
which runs from May 1, 2004 through January 31, 2005.

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Ninth Circuit Ruling: *Movie Theaters Must Provide Adjacent Seating For The Companions Of Patrons In Wheelchairs At Sold-Out Shows, Even If It Means Forcing Other Customers To Move*

By Gregory F. Hurley, Esq. & Stacey L. Jaramillo, Esq.



In two prior articles we discussed a pending case where the plaintiff demanded that a movie theater physically remove guests from companion seats when those seats are needed by companions of wheelchair users. A three-judge panel of the 9th U.S. Circuit Court of Appeals recently issued a published opinion holding that the theater's policy discriminated against disabled patrons and ordered the theater provide seats for companions if they arrived at least 10 minutes before a sold-out show. AMC had sought the appeals court's help in understanding what the law required: Specifically, whether bodily removing a patron from a companion seat was required. The Court ignored AMC's request for guidance, and the issue continues to be unresolved.

In this case, the Plaintiff, a quadriplegic, was unable to attend a showing of the recently-released and sold out movie "Chicken Run," after theater management was unable to persuade a patron to

vacate a seat reserved for the companions of people in wheelchairs. Plaintiff and his wife arrived at the theatre twenty minutes before the sold-out movie's screening time. The theatre had signed companion seats: "NOTICE - This seat is designated as COMPANION SEATING for our disabled guests, per ADA guidelines. It may be necessary to ask a non-disabled patron to move." Plaintiff and his wife declined the manager's offer to see another movie, yet they accepted free movie passes, which they later used.

At the time, the theatre's policy on making companion seats available was that the theatre would accommodate any reasonable request by an individual with a disability or their companion, except forcibly removing a guest who is already sitting in a seat. The movie theater argued that this policy was sufficient and non-discriminatory. Additionally, the movie theater argued that the Plaintiff lacked the legal standing to sue because his experience was an isolated incident unlikely to recur and that requiring theaters to eject non-disabled customers was a drastic measure.

Mr. Hurley, a Shareholder of Greenberg Traurig's Orange County Office, co-chairs Greenberg Traurig's National Accessibility group and is a nationally-recognized expert on disability law. Stacey Jaramillo is a Senior Associate of Greenberg Traurig's Orange County Office. She represents theater owners in California State and Federal Courts.

Mr. Hurley and Ms. Jaramillo may be contacted at 949-252-8801 or at HurleyG@gtlaw.com

Disabled Seating Sash



NATO of California/Nevada with Irwin Seating Company has designed a sash that provides a more direct manner of identifying reserve seating for

disabled patrons and their guests. The availability of this sash could not be more timely especially with the recent decision (see Greg Hurley article above) by the U.S. 9th Circuit Court of Appeals.

The black sash (as shown in photo) with its large, contrasting bright white message allows for easy reading, even in low lighting conditions. The sash is easy to use and lays flat against the back of the theatre chair when the chair is occupied and then can be draped back over the chair when theatre is being prepared for the next performance. Wording on the sash is as follows: **THIS SEAT IS RESERVED FOR OUR GUESTS WITH MOBILITY DISABILITIES AND /OR THEIR COMPANIONS.**

Please contact Irwin Seating Company (616/574-7400) directly for ordering information.

2004 Legislative Session Off and Running

by Terri Thomas, Thomas Advocacy Inc.

By way of introduction, I am your Sacramento representative protecting your interests before the California Legislature. I am located in Sacramento and have been lobbying for many years. I am looking forward to advancing the interests of NATO of California/Nevada and helping to shape the image of your association and its members before the California Legislature.

Minimum Wage

While the Legislature session got off to a rather slow start due to the primary election in early March, over 1,600 bills have now been introduced, reviewed and identified for follow-up. Hearings have begun in earnest. Chief among the bills of concern is AB 2832 by Assemblywoman Sally Lieber, (D) Mountain View which raises the minimum wage to \$7.25/hour on January 1, 2005 and \$7.75/hour on January 1, 2006. This follows on the heels of SB 57 by President pro Tempore John Burton (D) San Francisco last year which also increased the minimum wage and died on the Suspense File. NATO of CA/NV has joined a large coalition of employers who are opposed to AB 2832 and has been lobbying the Legislature and the Governor's Office to call attention to the significant problems this bill creates for employers. The minimum wage increase would make California home to the highest minimum wage rate in the country. Businesses are already shouldering heavy burdens of paying for the nation's highest energy costs, the highest workers' compensation premiums, as well as the nation's high unemployment insurance tax rates. Increasing the minimum wage also triggers increased workers' compensation and health care premiums and other employment related taxes. Hearings of this bill started in April, 2004. We will keep you apprised of the developments.

Big Victory For Governor

The passage of Propositions 57 and 58, the \$15 billion bond measure designed to bail California out of its current year debt, signaled a major victory for Governor Arnold Schwarzenegger, who campaigned vigorously for it. These measures, which started with a very significant negative, passed overwhelmingly in March. Most pundits attribute this victory to the personal and intense involvement by the Governor as well as the unusual bipartisan support from political leaders and interest groups which the measures received. Democrats and some interest groups feared that absent the passage of the bond, the Legislature would be forced to make draconian cuts in

many services, particularly in the health and welfare areas. The \$15 billion in bonds is in excess of what is needed to solve the current problems, but the Governor has pledged to hold the balance for future years as the debt problem is an ongoing one. Despite the fact that the Governor has said he would oppose any plan to spend any money not needed to retire this year's budget deficit, it has not stopped interest groups and legislators from lining up with their "wish lists" even in these lean budget times. It will be a true test of the Legislature's backbone if they can hold down their own spending proposals and focus on balancing the budget. In another related victory, Proposition 56 was defeated at the ballot box in March. While this measure would have encouraged the development and passage of an "on-time" budget, it would also have changed the threshold for passing tax measures, such as an entertainment tax, from the current two-thirds vote to a simple majority.

Work Comp Talks Progress

Emboldened by his success at the ballot box on Propositions 57 and 58, the Governor has now focused his attention on reform of the state's broken workers' compensation system. In addition to the ongoing talks in the Capitol between business and labor, the Governor and legislative leaders, and advocates for all involved parties, signature gathering has begun for a possible November ballot initiative to govern the reform if the Legislature does not act expeditiously. The following is a quick summary of some of the key issues being negotiated:

- **Objective Medical Findings:** Business groups and the Governor want injuries to be evaluated using "verifiable" standards using specific medical criteria. Labor groups are concerned that pain which cannot be identified by a specific medical diagnosis could be a reason to deny benefits.
- **Treatment Protocols:** While all sides agree that they want to ensure that workers receive "medically necessary" treatment, there is some disagreement over the definition of what constitutes this standard. Business groups want the standards to be based on nationally recognized and medically valid guidelines while labor is opposed to guidelines that would limit flexibility in determinations.
- **Doctor Choice:** The issue here is the extent to which employers can direct their employees to "company doctors"

or doctors of choice as they see some physicians being too liberal in their diagnoses. This is an area where there may be some willingness to compromise.

- **Return to Work Incentives:** Business groups prefer a system that would reduce a workers' payments once a doctor clears the individual for work. This is also an area where there may be some compromise, although labor would also like to see incentives for employers to keep jobs open for injured workers and additional resources to improve work conditions for the returning worker.
- **Apportionment:** This issue is very contentious and revolves around how much responsibility an employer must absorb for pre-existing injuries suffered by a newly injured worker

Internet Piracy Under Attack

In an effort to try to stem the tide of on-line movie piracy, the Motion Picture Association of America (MPAA) has introduced Senate Bill 1506 by Senator Kevin Murray (D) Los Angeles. This measure is modeled after California's existing statute in the hard goods world which requires anyone making a videotape available for sale to disclose on the package their "true name and address" or face a misdemeanor charge. SB 1506 requires that anyone who distributes or makes available for distribution a commercial recording or audiovisual work to reveal their true name and address, e-mail address or account holders' address or face a misdemeanor charge. While movie studios and theatres, as well as California-based music and video game companies continue to suffer losses due to counterfeit works being sold illegally on the street, the collective greatest threat faced by those industries is movies, music and video games being illegally transmitted digitally over the Internet through "peer-to-peer (P2P) file sharing" software and other similar technologies. Piracy has devastated the music industry. With the increasing penetration of broadband and the development of compression technologies, P2P "file sharing" now threatens the economic viability of motion pictures in a serious way. This bill will most likely be challenged by those individuals and groups who believe that anything placed on the Internet is free and available for public distribution.

It's a pleasure working with your President and representing your interests in Sacramento.

ShoWest Honors NATO of California/Nevada Members

30th Anniversary Founder's Award

Jerry Forman, NATO of CA/NV Chairman Emeritus and Treasurer, was honored with the 30th Anniversary Founder's Award. Jerry is one of the original founders of ShoWest, which was first held 30 years ago in San Diego. Although Jerry was unable to attend ShoWest, sons, Scott and Jeff (shown in photo to right), proudly accepted the award on behalf of their dad.



2003 Will Rogers Institute Manager Awards

Pictured are the NATO of CA/NV managers and district managers who were singled out for their extraordinary efforts on behalf of the 2003 Will Rogers In-Theatre Collection Campaign.



Ken Sheaffer, General Manager of the Century Milpitas Great Mall theatre.

Showmanship Award Winners



Nancy Klueter (R) of Buena Vista Pictures Distribution presented the award to Lisa Kanno, Marketing Director for The Movie Experience and Sherry Gartley, Manager of the Cal Oaks theatre

Best Presentation Binder
Pirates of the Caribbean, The Curse of the Black Pearl was awarded to Sherry Gartley and her team members from The Movie Experience at Cal Oaks: Dolly Woodland, Melinda Contrado, Penny Benson, April Rearick and Kevin Newman.



Regal Entertainment Group managers and district managers from California and Nevada; back row: Minh Duong, Edwards El Monte 8; Shaun Mullen, W-4 District Manager; Mike Harrison, Edwards Corona 15; Jeff Runyard, Edwards Ontario 22. Front row: Bruce Wren, Director of Training & Personnel Development and Tim McGuire, Regal Colonade 14 Theatre in Las Vegas.

Best Use of Newspaper

was awarded to Brenden Theatres 14 at the Palms, Las Vegas, for their X2: X-Men United promotion. The winning team was led by Joseph A. Girouard, manager, and included Chris Gage, Jonathan Cervas, Monica Stephens and Sam Lim.



Joseph A. Girouard (L) and Johnny Brenden (R) received their award from Brendan Miller, Vice-President of In-Theatre Marketing for 20th Century Fox Film Corp. and Becky Bucci, Director of Marketing & Advertising for the Newspaper Association of America.

ShoWest Drawing Winners



Wendy McBane of Central Coast Cinemas was the lucky winner of a Kodak Digital camera and photo printer provided by DreamWorks SKG at the Tuesday morning breakfast.



Shaun Mullen of the Regal Entertainment Group won the door prize, a DLP Samsung 56 inch Hi-Definition TV, at the final Day Luncheon sponsored by Twentieth Century Fox Film Corp. and DLP Cinema™

June Designated As Ratings And Labeling Awareness Month

NATO has joined forces with four other entertainment retail trade associations in establishing the month of June as the Entertainment Ratings and Labeling Awareness Month. The month of June was chosen since most school children begin their summer vacations that month. Education efforts are underway with the media and press, as well as organizations that represent children.

The group name that has undertaken this public relations effort is called COALITION OF ENTERTAINMENT RETAIL TRADE ASSOCIATIONS (CERTA). The members include NATO, Digital Media Association (DiMA), Interactive Entertainment Media Association (IEMA), National Association of Recording Merchandisers (NARM) and Video Software Dealers Association (VSDA).

It is the right time to remind employees and parents about the movie rating system. The following is a suggested NATO checklist:

- Notify all employees including home office and field staff that June has been designated Entertainment Ratings and Labeling Awareness Month. Theatre personnel responsible for press inquiries should be made fully aware of all activities undertaken by the company.
- All theatre personnel should be reminded of ID- Check policy for "R" and "NC-17" rated films via appropriate communication.

- Federal Trade Commission Mystery Shopper Results should be reviewed and results communicated with theatre managers of the locations involved.
- Company Ratings Compliance Officer should review personnel policies to ensure proper emphasis on ratings education enforcement. Updates or enhancements to those policies should be promptly communicated to all employees.
- Ensure that posters explaining the ratings system are displayed in every theatre complex.
- Make certain company's web site contains ratings information.
- Include Ratings information and Protocol on Online Ticketing Systems. Review the prompts utilized when tickets for "R" and "NC-17" rated movies are ordered to ensure proper age requirement notification.
- Ask local newspapers to include reasons for the ratings in their movie reviews.
- Investigate new ways to educate patrons about the ratings system. Maximize the posting of the ratings policy where all patrons can see. If you have a ratings pre-show slide and currently not using it, revitalize that campaign for June. Use employee contests with rating themes.

Good luck! Be creative and have fun!

Low Level Aisle Lighting

By: Gene Boecker, NATO of CA/NV Code Consultant



Everyone who has ever sat in a theatre and watched the screen knows that there are times when the screen goes black – usually before some sinister thing is about to happen. Often, it is between scenes. If you're on your way back to your seat from the restroom or concession stand, it may be difficult to see the

steps during such times. That's the reason why the codes require a minimum lighting level in the aisles.

The Uniform Building Code, currently the basis for the California Building Code; the International Building Code, used widely in Nevada; and, the NFPA 5000 (the soon-to-be building code in California) contain such a provision. In general, the codes requirement that there must be at least 1 foot-candle at the floor level for every part of the means of egress. But, there is an exception for theatres whereby the illumination during events may be reduced to 0.2 foot-candles (at the floor level) provided that the required illumination is restored upon activation of the building's fire alarm system (or sprinkler waterflow if no alarm is present).

The reason for the requirement is obvious - so

that someone can see the way through the aisles during a show. The reason for it being low light is also obvious – so that the images on the screen are more intense and effective. The trick is to achieve both.

There have been several attempts to change this section - all have failed. The latest was an attempt to recognize the nosing and strip lighting that identifies steps and the boundaries of the aisles. It failed because there was no standard that could be used to compare the 0.2 foot-candles to the strip lighting.

The best that can be done for now is work with the building officials on each theatre. Once you have reached a point of understanding get a signed letter of acceptance for the installation. This is no guarantee that someone won't come back to challenge the arrangement but it demonstrates that you've considered the situation and thought enough about it to get an official opinion on the installation.

Gene Boecker, R.A. has been a project manager with Code Consultants, Inc. since 1995. He is responsible for the development of Fire Protection concepts used in the design of construction projects for both new and existing buildings. He also specializes in performing engineering evaluations of alternative (equivalent) methods and concepts for meeting code issues in projects. Mr. Boecker can be reached at 314/991-2633 or via email at geneb@codeconsultants.com.

We Need Your Eyes And Your Ears

Your presence in the field can serve as a valuable resource in keeping NATO of California/Nevada aware of various regulatory and legislative developments in your area which could potentially impact your theatre and our industry.

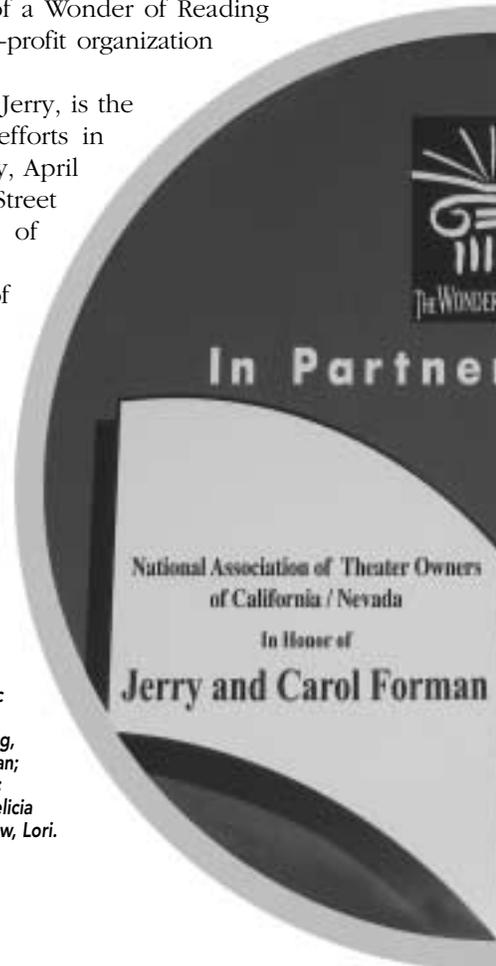
Please inform the NATO of CA/NV office, 310-652-1093 or office@natocalnev.org, and your own district office whenever there is local news or a discussion of issues that could affect exhibition. Such things as sales taxes, property taxes, land use restrictions, and matters related to the Americans With Disabilities Act, are all among areas we would like to be kept informed of. Your help in passing along this type of information as soon as you become aware of it will be very helpful and much appreciated.

Library Named In

NATO of California/Nevada, in honor of Carol and Jerry Forman, underwrote the cost of a Wonder of Reading library at Justice Street Elementary School. The Wonder of Reading program is a dynamic non-profit organization dedicated to inspiring in children the love of reading.

Carol is a founding member of the Wonder of Reading Board of Directors, and husband Jerry, is the Chairman Emeritus and Treasurer of NATO of California/ Nevada. The Forman's tireless efforts in support of the Wonder of Reading program, since its inception, were acknowledged on Friday, April 23rd, in ribbon-cutting ceremonies celebrating the grand opening of the new library at Justice Street Elementary School in West Hills, California, the designated recipient of the NATO of California/Nevada donation.

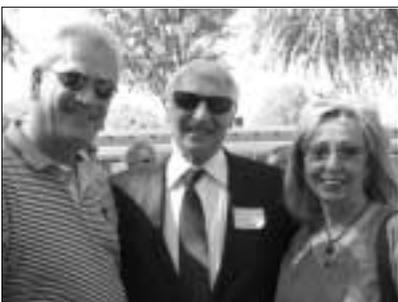
"It was with pleasure and a great deal of pride that NATO of California/Nevada's Board of Directors voted to make this donation in Carol's and Jerry's names," stated Phil Harris, chairman of the board. "Carol has long been a driving force behind the Wonder of Reading and its commitment to helping young people. Through her tireless work on behalf of the Wonder of Reading, the program has flourished and has become a major benefactor of the Los Angeles Unified School District Library System, enabling thousands of elementary school students to



Jerry Forman is in awe as friend Jimmy Spitz looks on.



Jerry with his family; sons, Scott and Jeff; cousin and CEO of Pacific Theatres and The Wonder of Reading, Christopher Forman; grandson, Jeremy; granddaughter, Felicia and daughter-in-law, Lori.



Jerry Forman surrounded by long time friends Paramount Pictures' Wayne Lewellen and Universal's Nikki Rocco.



The ribbon cutting for the official opening of The Wonder of Reading Carol and Jerry Forman Library.



Jerry with long time associate and good friend Mel Goldsmith.



Felicia and Lori Forman showing off the new books in The Carol and Jerry Forman Library.



Jerry with Wonder of Reading board member Bonnie Brae.

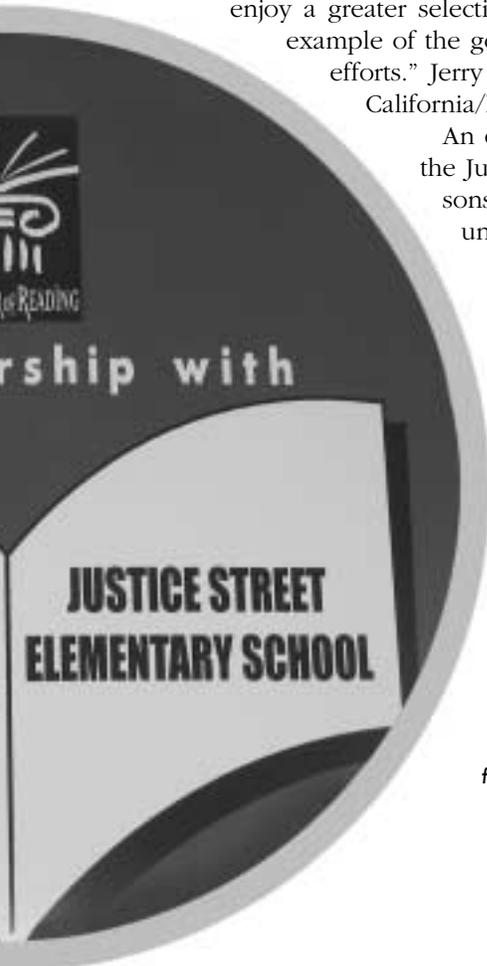
Honor Of Formans

enjoy a greater selection of books in a reader-friendly environment. Both she and Jerry have set a commendable example of the good that commitment to civic and humanitarian causes can accomplish, and we applaud their efforts." Jerry Forman was one of the co-founders of ShoWest and has been a driving force of NATO of California/Nevada in its various commitments on behalf of the exhibition community.

An overflow crowd of school and district officials, industry colleagues, family and friends packed the Justice Street School auditorium to celebrate the new library and congratulate Jerry Forman, his sons, Jeff and Scott and their families for their efforts. Because of health issues, Carol Forman was unable to be present for the occasion.

Originated by Pacific Theaters Corp. as a part of its emphasis on community service, the Wonder of Reading enhances facilities and resources of sorely under-funded elementary school libraries within the Los Angeles Unified School District. Through renovation, restocking with new books and by its recruitment of community volunteers who read with the students, the program has benefited many thousands of students throughout the district.

The opening of the new library at Justice Street School marked the 119th school library to be renovated under the program.



Jerry with dear friend of the family Mary Cotter and grandson Jeremy.



The Scott Forman Family, with much pride, surround Papa Jerry.



In the new library Jerry with long time friends Edd Stepp and Ira Levin.



Jeff and Scott Forman with their dad.



A very appreciative Justice Street Elementary School Principal Jill Frieze, Jerry Forman and Wonder of Reading Executive Director Beth Michelson.



Jerry with Pacific Theaters' Jerry Pokorski and Sony's Rory Bruer.



NATO of CA/NV Manager of Member Services Charlene Sievers with Jerry.

Patrons Arrested Under Camcorder Law

Thanks to the alertness of employees at Pacific's Grove and Winnetka Theatres in Los Angeles patrons were detected camcording the feature film at both theatres. In each of the cases personnel saw a red light from the camcorders and called the Los Angeles Police Department who arrested the patrons.

Ruben Centeno Moreno, the first person to be sentenced under California's new anti-camcording law, is facing 42 days in prison and three years' probation for illegally taping "The Alamo." He was arrested at the Pacific Winnetka Theater on April 12 after projectionists observed the light from his camera with the aid of nightvision goggles. He pled no contest in court. Moreno will also forfeit his camcorder to authorities and will not be allowed to return to the theater.

Min Jae Jun, who was arrested two days prior to Moreno for allegedly camcording "The Passion of the Christ" at Pacific Theatres at The Grove, has yet to enter a plea.

MPPA President and CEO Jack Valenti commended "the LAPD's fine work which would not have occurred without the swift actions of the employees of Pacific Theatres."

The staff of Loews Cineplex Metreon Theatre in San Francisco invited a patron to step into the lobby when she was caught on a recent weeknight using her digital camera in an auditorium. The security officer asked her to stay and wait for the police when she refused to give up her memory card; she did and was cited by police under Penal Code 653z and removed to the station where she was booked.



LABOR ISSUES & Updates

Work Permits Required to Employ Minors During School Vacations

Are work permits required for minors who work when school is not in session, such as spring, summer and winter vacations?

Every minor (under age 18) who is required to attend school must have a Permit to Work issued by the minor's school district, and every employer must have a Permit to Employ minors on file at all times a minor is employed.

There is an exception for minors who have graduated from high school or who have earned a general education degree. While not required, it is a good idea to have a copy of their diploma or certificate on file. Work permits are required during vacations.

No minor who is required to attend school, who is employed in your industry, may work more than eight hours per day. Minors may work up to 48 hours in a week. Premium pay of time-and-a-half of the regular rate of pay is required for hours worked in excess of 40 per week. Eight and 48, however, are the absolute maximum number of hours.

Sixteen and 17 year olds may work from 5 a.m. to 10 p.m. on days preceding a school day or to

12:30 a.m. on days preceding a non-school day. For example, during vacations, a minor can work until 12:30 a.m., but no later.

Time Records

Time records are to be kept on minors the same as adult employees with the exception that minors must be so designated. One way to do this is to write in red a large "M" on the minor's time card. This alerts supervisors to this employee's minor status.

Minimum wage in California is \$6.75 per hour. There is no longer a "student" or "minor" rate. There is, however, a "learner" rate that is contained in Section 4 (A) of Industrial Welfare Commission Order Number 7, Regulating Wages, Hours and Working Conditions.

Source: Alert

Relief Is At Hand

During the day your hands grip and release, twist and bend, push and pull. You write, sort materials, press buttons or handle tools. If you repeat the same motions over and over, your muscles get tense and tired and could be injured. Early damage may be so slight that it heals with rest, often overnight. But when your muscles can't rest long enough to heal, you could end up with a painful "muscular skeletal disorder" or MSD. Three factors affect MSDs – position, force, and repetition. If you adjust these factors as you work, you can prevent an MSD injury.

An extreme position puts pressure on muscles, tendons, and nerves. Even "good positions" are harmful if they're held too long. You work safest and motions are strongest when your hands and wrist are in a straight (neutral) position. In this position, the muscles and tendons can move freely. Blood circulates easily, feeding tissues and repairing minor damage.

Work within your reach. The best position is to stand or sit with the work process waist high so your hands, wrists, and forearms can move straight out from your body with your wrists supported and your elbows kept in close to your waist. Slanting

the work surface toward you may bring tasks into easier reach.

Force is the pressure or strain put on muscles and tendons when you grip, push, pull or rotate. If your pencils or tools are sharp and in good repair, they'll require less force to use. The size, texture or padding of a pen or tool can also affect your grip and handling ease.

Contact force occurs when a body part is pressed against a hard surface such as a tool handle, lever or worktable. Combine force with a harmful position and the risk of muscle fatigue or injury increases. Use your whole hand or as much of your hand as possible when grasping a tool or object. This limits pressure caused by pinching. Hold the object near its center of gravity to balance the weight.

To avoid repetitive motions, vary your tasks or how you do them to give muscles a chance to rest. Reduce your chances of getting MSDs by becoming aware of what you're doing, how you're doing it, and how long you're doing it not only when you're at work but even after you get home.

Source: State Compensation Insurance Fund Safety News

AMC and Loews Agree To Install Closed Captioning Equipment

By Steven John Fellman, NATO Washington Counsel.

On April 30, 2004, Judge Gladys Kessler of the U.S. District Court for the District of Columbia approved a class action settlement requiring the installation of 12 rear window closed caption systems in AMC and Loews theatres in the Washington D.C. metropolitan area. (*Ball v. AMC and Loews Cineplex*).

The case was filed over two years ago as a class action case on behalf of a class of deaf persons who alleged that they did not have access to the movies in the Washington D.C. area because they could not hear the soundtrack with assistive listening devices. The class members argued that movie theatres were required to show captioned movies under the ADA. AMC and Loews moved to dismiss. They contended that the ADA did not require open captioning and that to require them to install closed captioning equipment in all DC metro theatres was not only beyond the substantive requirements of the ADA but would also impose an undue financial burden and therefore was not required. Judge Kessler denied the motion to dismiss and the case moved forward with discovery. At the end of the discovery period, Loews and AMC filed a motion for summary judgment again arguing that the statute did not require captioning and to require captioning in all theatres would be an undue burden. Plaintiffs opposed the motion for summary judgment arguing that they were not demanding open captioning but would be satisfied with rear window closed captioning. Further, plaintiffs said that they were not seeking captioning in all theatres but only in a limited number of auditoria.

Judge Kessler denied the motion for summary judgment. In her ruling, she said that she was not going to consider open captioning and that rear window closed captioning was a new technology that did not exist at the time the ADA was enacted. She said that the case

could go to trial on the issue of whether rear window captioning might be required under the ADA. She also said that she would take evidence on the issue of undue burden since plaintiffs had taken the position that they were not seeking captioning in every theatre.

The summary judgment ruling clearly indicated that the Judge would not be adverse to holding that the ADA required the installation of a limited number of closed caption systems. AMC and Loews entered into negotiations with the plaintiffs and a settlement was reached. AMC and Loews agreed that during the next two years, each company would install 6 rear window closed captioning systems in mid size (125 to 350 seats) auditoria in Washington metro area theatres. They also agreed to install one rear window system in all new builds in the Washington area. Finally, they agreed to pay the plaintiffs lawyers \$260,000.

Since the case had been certified as a class action, the Judge was required to hold a fairness hearing and all members of the class were given a chance to comment on the settlement. Various groups representing the deaf community including the Coalition for Movie Captioning and the National Association of the Deaf opposed the settlement. These groups claimed that AMC and Loews should have been ordered to install open captioning which most deaf persons preferred. In a 26 page opinion issued on April 30, 2004, Judge Kessler approved the settlement. She said that plaintiffs probably would not have been successful if their case was based on open captioning or if all theatres were required to install closed captioning. She said that the settlement gave all deaf persons a chance to see first run movies and she complimented the parties on working out a reasonable and fair settlement.

UCLA Film School Hosted Board of Directors Meeting

The NATO of CA/NV Board of Directors conducted their recent board meeting in the Theatre Arts department at UCLA where they toured the state-of-the-art James Bridges Theater and its projection booth, which is one of the few booths nationwide designed to project nitrate film prints.

In addition to establishing the NATO of California/Nevada Fellowship in Film members of the NATO of CA/NV Board will work with the school in presenting workshops and discussion groups at the University.



Milt Moritz, NATO of CA/NV; Bill Hertz, Mann Theatres; David Corwin, Metropolitan Theatres; Phil Harris, Signature Theatres; Charlene Sievers, NATO of CA/NV; Len Westenberg, Loews Cineplex; Sergio Contreras, Premiere Cinemas; Bruce Sanborn, The Movie Experience and Paul Richardson, Landmark Theatres in the James Bridges Theater where they were treated to a viewing of the first 20 minutes of a restored print of the classic film "Casablanca."



Alan Grossberg, UltraStar Cinemas; Len Westenberg, Loews Cineplex; David Corwin, Metropolitan Theatres and Bill Hertz, Mann Theatres enjoyed learning about the projection booth.



Milt Moritz, President of NATO of CA/NV and Phil Harris, Chairman, met with Barbara Boyle, chair of the Department of Film, Television and Digital Media.



STATISTICS

25 Top Grossing Theatres Jan 1, 2004 - May 2, 2004

National Ranking	Circuit	Theatre	# Screens	City	State	State Ranking
1	AMC	EMPIRE 25	25	NEW YORK CITY	NEW YORK	1
2	AMC	BURBANK 30	30	BURBANK	CALIFORNIA	1
3	Muvico	EGYPTIAN 24	24	HANOVER	MARYLAND	1
4	AMC	BLOCK 30	30	ORANGE	CALIFORNIA	2
5	Pacific	GROVE STADIUM 14	14	LOS ANGELES	CALIFORNIA	3
6	Regal	UNION SQUARE 14	14	NEW YORK CITY	NEW YORK	2
7	Loews Cineplex	PALISADES 21	21	WEST NYACK	NEW YORK	3
8	Century	DALY CITY 20	20	DALY CITY	CALIFORNIA	4
9	Regal	LONG BEACH STADIUM 26	26	LONG BEACH	CALIFORNIA	5
10	Loews Cineplex	LINCOLN SQUARE 13	13	NEW YORK CITY	NEW YORK	4
11	Century	CENTURY 25	25	UNION CITY	CALIFORNIA	6
12	AMC	WESTMINSTER 24	24	BROOMFIELD	COLORADO	1
13	AMC	AVENTURA MALL 24	24	AVENTURA	FLORIDA	1
14	Regal	HACIENDA CROSSINGS 20	20	DUBLIN	CALIFORNIA	7
15	AMC	MESQUITE 30	30	MESQUITE	TEXAS	1
16	AMC	WILLOWBROOK 24	24	HOUSTON	TEXAS	2
17	AMC	ONTARIO MILLS 30	30	ONTARIO	CALIFORNIA	8
18	Century	RIO 24	24	ALBUQUERQUE	NEW MEXICO	1
19	AMC	GULF POINTE 30	30	HOUSTON	TEXAS	3
20	AMC	HOFFMAN 22	22	ALEXANDRIA	VIRGINIA	1
21	AMC	NESHAMINY 24	24	BENSALEM	PENNSYLVANIA	1
22	Loews Cineplex	BOSTON COMMON 19	19	BOSTON	MASSACHUSETTS	1
23	Loews Cineplex	METREON 15	15	SAN FRANCISCO	CALIFORNIA	9
24	Regal	FRESNO STADIUM 21	21	FRESNO	CALIFORNIA	10
25	AMC	SUNSET PLACE 24	24	SOUTH MIAMI	FLORIDA	2

Source: © 2004 Nielsen EDI

Year-To-Date Box-Office

YEAR-TO-DATE 130 days starting Thursday January 1, through Sunday, May 9, 2004.

Average Ticket price for 2004 is estimated.

Year	Avg. Ticket Price	Ticket Price Change	Total Gross	% Change vs. Previous Yr.	Attendance	% Change vs. Previous Yr.
2004	\$6.25	3.65%	\$2,978,961,532	3.63%	476,633,845	-0.02%
2003	\$6.03	3.97%	\$2,874,721,051	-6.36%	476,736,493	-9.93%
2002	\$5.80	2.65%	\$3,070,042,925	-	529,317,746	-

Source: Exhibitor Relations Co.

STATISTICS



Top 20 May Openers of All Time Through 2003

RANK	TITLE	DISTRIBUTOR	3-DAY OPENING	SITES	DOMESTIC GROSS	DATE OPENED
1	SPIDER-MAN	SONY	\$114,844,116	3615	\$403,706,375	Fri, 5/3/02
2	THE MATRIX RELOADED	WB	\$91,774,413	3603	\$281,519,061	Thu, 5/15/03
3	X2: X-MEN UNITED	FOX	\$85,558,731	3741	\$214,949,694	Fri, 5/2/03
4	STAR WARS: EPISODE II - ATTACK OF THE CLONES	FOX	\$80,027,814	3161	\$310,589,391	Thu, 5/16/02
5	LOST WORLD: JURASSIC PARK, THE	UNIVERSAL	\$72,132,785	3281	\$229,086,679	Fri, 5/23/97
6	FINDING NEMO	BUENA VISTA	\$70,251,710	3374	\$339,714,978	Fri, 5/30/03
7	MUMMY RETURNS, THE	UNIVERSAL	\$68,139,035	3401	\$202,007,640	Fri, 5/4/01
8	BRUCE ALMIGHTY	UNIVERSAL	\$67,953,330	3483	\$242,704,995	Fri, 5/23/03
9	STAR WARS: EPISODE ONE - THE PHANTOM MENACE	FOX	\$64,810,970	2970	\$431,088,295	Wed, 5/19/99
10	PEARL HARBOR	BUENA VISTA	\$59,078,912	3214	\$198,539,855	Fri, 5/25/01
11	MISSION: IMPOSSIBLE 2	PARAMOUNT	\$57,845,297	3653	\$215,409,889	Wed, 5/24/00
12	MISSION: IMPOSSIBLE	PARAMOUNT	\$45,436,830	3012	\$180,981,856	Wed, 5/22/96
13	GODZILLA	SONY	\$44,047,541	3310	\$136,314,294	Wed, 5/20/98
14	MUMMY, THE	UNIVERSAL	\$43,369,635	3209	\$155,270,725	Fri, 5/7/99
15	SHREK	DREAMWORKS	\$42,387,348	3587	\$267,665,011	Wed, 5/16/01
16	DEEP IMPACT	PARAMOUNT	\$41,152,375	3156	\$140,464,664	Fri, 5/8/98
17	TWISTER	WB	\$41,059,405	2414	\$241,708,908	Fri, 5/10/96
18	DINOSAUR	BUENA VISTA	\$38,854,851	3257	\$137,748,063	Fri, 5/19/00
19	GLADIATOR	DREAMWORKS	\$34,819,017	2938	\$187,683,805	Fri, 5/5/00
20	LETHAL WEAPON 3	WB	\$33,243,086	2410	\$144,731,527	Fri, 5/15/92

Source: Exhibitor Relations Co.

Films To Video: Projected Release Schedule

<i>Girl With A Pearl Earring</i>	5/4/04	<i>Monster</i>	6/1/04
<i>The Fog of War</i>	5/11/04	<i>Along Came Polly</i>	6/8/04
<i>In America</i>	5/11/04	<i>City of God</i>	6/8/04
<i>Miracle</i>	5/18/04	<i>Mystic River</i>	6/15/04
<i>Paycheck</i>	5/18/04	<i>50 First Dates</i>	6/15/04
<i>Torque</i>	5/18/04	<i>The Station Agent</i>	6/15/04
<i>Lord of the Rings: The Return of the King</i>	5/25/04	<i>Barbershop 2: Back in Business</i>	6/29/04
<i>Welcome to Mooseport</i>	5/25/04		
<i>Eurotrip</i>	6/1/04		

For additional listings refer to: www.hive4media.com

Source: Video Store Magazine

INSIDE PREVIEW

Annual Membership Meeting Set for June 10th



9th Circuit Ruling: Movie Theaters Must Provide Adjacent Seating for the Companions of Patrons In Wheelchairs



Disabled Seating Sash



2004 Legislative Session Off and Running



ShoWest Honors NATO of California/Nevada Members



June Designated as Ratings and Labeling Awareness Month



Low Level Aisle Lighting



We Need Your Eyes and Your Ears



Library Named in Honor of Formans



Patrons Arrested Under Camcorder Law



AMC and Loews Agree To Install Closed Captioned Equipment



Board of Directors at UCLA



Labor Issues & Updates

Work Permits Required to Employ Minors During School Vacations

Relief Is At Hand



Statistics



Video Release Schedule



Health Tip

PREVIEWS

National Association of Theatre Owners

of California/Nevada

116 No. Robertson Blvd., Suite 708
Los Angeles, CA 90048

ADDRESS CORRECTION REQUESTED

Health Tip

Stay out of tanning salons

Contrary to industry propoganda, indoor tanning can be as harmful – or more so – than outdoor tanning. The ultra-violet rays are no safer than the sun's. More than 1 million Americans go to tanning salons on an average day.



Source: UC Berkeley Wellness Letter