

THEY MAKE THE DEALS THAT MAKE THE WHOLE TOWN SING

Our power roster of deal ninjas is pushing the envelope in every direction and rewriting the rules of TV in the process



By Jill Goldsmith

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SUMMERTIME, and the dealmaking ain't getting any easier. From staggered multiplatform windows to branded entertainment, new growth areas have opened up where business barely existed a couple of years ago. Keeping abreast of all this opportunity takes a small army—or often just one keen-eyed participant with an appetite for innovation and fiscal creativity. Here is our lineup of top dealmakers, along with descriptions in their own words of how the marketplace is looking in 2015.



DAVID BROWN

Senior Manager of Television Literary Management, Echo Lake Entertainment

MOST SIGNIFICANT RECENT DEALS: Facilitating TV series *The Art of More*, starring Dennis Quaid, Kate Bosworth, Christian Cooke and Carey Elwes. The series marks a first foray into original drama by Crackle, Sony's free streaming service. The show received a 10-episode straight-to-series order for creator Chuck Rose and showrunner Gardner Stern, both Echo Lake clients. Packaging Syfy's *Z Nation* for creator, executive producer and Echo Lake client Karl Schaefer with three writers and two producer/directors, all ELM clients. *Z Nation* became the second-highest-rated show on Syfy. Commissioned by Syfy's Chris Regina, EL partnered with Dynamic Television and Nomadic Pictures on a 13-episode guarantee inspired by a Zenescope Entertainment comic to air in September 2016.

HOW DEALS HAVE CHANGED: "There are more players. It's a new frontier in television. Opportunities exist that never did before. But you have to be more entrepreneurial and realize the end goal is to see your client's vision come to fruition. It's not an easy algorithm, but in success a series comes to life."

BIGGEST STICKING POINT IN DEALMAKING: "Money. Producers and studios are often not prepared to pay standard writers' fees since they are saying it is "straight to series" and not a pilot deal. This is usually acceptable if we can negotiate meaningful profit participation for our clients in success."

BIGGEST CHANGE YOU'D LIKE TO SEE: "If the new models aren't able to honor client quotes, clients need to meaningfully participate in profits with a clear definition. Launching a successful straight-to series is no small feat."

Brown's clients have populated shows including *Empire*, *Turn*, *Outcast*, *Vice Principals*, *American Dad*, *House of Lies* and *Daredevil*.



MARC CHAMLIN

Partner and Chair, Television Practice Group, Loeb & Loeb LLP

MOST MEMORABLE DEALS OVER THE PAST YEAR:

■ Complex corporate negotiations representing the principals of True Entertainment (*The Real Housewives of Atlanta*, *Vanity Fair Confidential*), Steven Weinstock and Glenda Hersh, in their elevation to copresidents and co-CEOs of both True Entertainment and Original Media (*Swamp People*, *Inkmasters*). Both companies are operated as separate brands with separate development and production teams and are subsidiaries of Endemol Shine North America.

■ Representing Andrew Jarecki and Marc Smerling and their HBO documentary series, *The Jinx: The Life and Deaths of Robert Durst* in connection with both the production of the series and their negotiations with HBO. "The show was unique in that it was a documentary series assembled and funded solely by its creators over seven years, and resulted in an indictment of Durst. It presented legal and business issues that were unprecedented in the television documentary space."

■ Representing Joan Rivers for many years. "Not a deal in the traditional sense. We were very close. It was far more than just *Fashion Police*, *QVC*, *In Bed With Joan* and stand-up appearances. Her tragic, untimely death and being deeply involved with her family and closest associates in her final days meant more to me than any deal I ever did for her. But she was more than an iconic, historical figure in comedy. She was a shrewd businesswoman and dealmaker herself. She taught me patience."

Chamlin negotiates more than a hundred development and production deals a year from his New York offices with cable networks for a stable of non-scripted production company clients.



KEVIN CROTTY

Crotty has brokered lucrative deals at every major studio and has sold multiple pilots and series to broadcast and cable networks.

Board Member/Partner, Television Literary Department, ICM Partners

Crotty represents directors, authors, producers, actors, production companies and writers, including the Duplass Brothers (*Animals, Togetherness*); Jon Bokenkamp (*The Blacklist*); Byron Balasco (*Kingdom*); Matthew Carnahan (*House of Lies*); and Jason Winer (director, *Modern Family* pilot and upcoming CBS freshman *Life in Pieces*).

MOST UNUSUAL/MEMORABLE DEAL FROM THIS YEAR: "The *Animals* animated deal. The project was self-financed by Duplass Brothers, and we premiered the first two episodes at the Sundance Film Festival. It was the first independently produced TV series sold at an independent film festival. There was a bidding war between HBO, Amazon, Netflix and Hulu, resulting in a 20-episode series order over two years by HBO. Significantly, the Duplass Brothers remain with the studio and own the series outright."

BIGGEST STICKING POINT IN DEALMAKING: "Money."

HOW DEALS HAVE CHANGED: "There are so many different business models now. As agents, we have to be forward-thinking to secure the best deals possible for our clients in an ever-shifting business."

HOW YOU WOULD LIKE TO SEE DEALMAKING CHANGE: "More appreciation that we are in the people business, not the widget business, when it comes to dealmaking."



DEBBEE KLEIN

Klein packaged *Under the Dome*, *The Good Wife* and upcoming Netflix comedy *The Ranch*, executive produced by her client, Don Reo.

Head of Television Literary Department, Paradigm Talent Agency

MOST UNUSUAL/MEMORABLE DEAL FROM THIS YEAR OR LAST: The ABC comedy *Black-ish*. "We pitched five networks and got five offers! We believed ABC was the right fit, a decision that proved fortuitous when ABC scheduled it behind *Modern Family*."

BIGGEST STICKING POINT IN DEALMAKING: "The program package. We work with other agencies to make sure we put together a winning blend of creative auspices and talent. An agency that represents one of those difference-makers is entitled to part of the package. Sometimes there can be a difference of opinion on who's a difference-maker."

HOW DEALS HAVE CHANGED: "Netflix, Hulu, Amazon and soon to be YouTube and others. When a streaming service buys original programming, they are basically absorbing every worldwide window/platform with their initial order. Could *House of Cards* or *Orange Is the New Black* work on a cable network? Absolutely. The question is will Netflix sell their rights to those shows to another exhibitor? Thus far that hasn't been the case."

HOW YOU WOULD LIKE TO SEE DEALMAKING CHANGE: "21st Century Fox has a big hit with *Modern Family* on ABC. That is healthy for the business. I would love to see more projects crossing over network and studio lines to always ensure that the right shows go to the right networks, regardless of who the studio is."



ROBERT E. FREEMAN

Freeman negotiates complex rights agreements; traditional programming distribution deals; and deals relating to content production and distribution across broadband, wireless, Internet and other media platforms.

Corporate Department Partner and member of the Sports Law and Technology, Media & Communications groups, Proskauer Rose

Freeman helps lead a team of media, sports and entertainment attorneys representing clients including Time Warner Cable, Discovery Communications, the Women's Tennis Association, the NBA's Orlando Magic, Scripps Networks, Armstrong Cable, the Pac-12 conference, Insight Communications and CBS Sports. He is active in sports and arts-related sponsorship, naming rights, licensing, endorsement and talent-related agreements.

MOST UNUSUAL/MEMORABLE DEAL THIS YEAR OR LAST: "This year has seen dramatic shifts in platforms on which consumers access and view television content. TV Everywhere and OTT deal structures are continuing to evolve, and my team and I have been in the thick of things in this respect. The late-night discussions around Internet-based OTT and TVE have been among the most memorable and exhausting moments for me this year."

BIGGEST STICKING POINT IN DEALMAKING: "In the area of content distribution, we continue to wrestle with rights issues, holdback and, often, most-favored-nations provisional."

HOW DEALS HAVE CHANGED: "The most dramatic shift is the time line for getting deals done—the world is moving fast, and we need to move faster."

HOW YOU WOULD LIKE TO SEE DEALMAKING CHANGE: "There is a lot of posturing in the room that I think often serves little to no purpose. Most of my deals are about leverage, and rarely is that not obvious to everyone involved."



LANCE KLEIN

Klein focuses on network reality, cable, syndication and international TV.

Co-head of the Non-Scripted Television Department and Partner, WME

Klein has brokered record deals for the Ultimate Fighting Championship at Fox, and on Amazon for *Top Gear* alums Jeremy Clarkson, Richard Hammond, James May and Andy Wilman. He also represents major production companies including ITV, Shed and Pilgrim Studios and top non-scripted personalities including the Kardashians and Steve Harvey, who currently has two shows in syndication and two in network primetime. Clients in the unscripted world also include Mark Wahlberg, Oprah Winfrey, Matt Damon, Ben Affleck, Robert Redford, Rihanna and LeBron James.

MOST UNUSUAL/MEMORABLE RECENT DEAL: "[Representing] Jeremy Clarkson, Richard Hammond, James May and Andy Wilman for their new project at Amazon."

BIGGEST STICKING POINT IN DEALMAKING: "Ownership and rights are always a sticking point."

HOW DEALS HAVE CHANGED: "There are too many people in the decision-making process, which slows each deal down."

HOW YOU WOULD LIKE TO SEE DEALMAKING CHANGE: "I'd like the process to be much faster."

SpecialReport: The Dealmakers



PETER MICELLI

Co-head, Television Department, CAA

In the past 12-18 months, Micelli has packaged and sold several highly anticipated series including *The Jinx*, believed to be the largest sale for a documentary in TV history. He packaged and sold the television adaptation of author client James Patterson's *Zoo*. Micelli has been extremely active in helping newer platforms get into the scripted television business.

MOST UNUSUAL/MEMORABLE DEAL THIS YEAR OR LAST: "Serving as a lead advisor to client Mark Gordon, working alongside my colleagues at Evolution Media Capital to restructure Mark's new studio. We ultimately helped him create his dream company, which is well-positioned to take advantage of the changing television landscape."

BIGGEST STICKING POINT IN DEALMAKING: "Back-ends and profit definitions. It is important to find a fair balance of these fees and charges."

HOW DEALS HAVE CHANGED: "One of the things we have revolutionized here at CAA is the straight-to-series business, creating opportunities for high-end talent, including actors, writers, and producers, to foray into the television space in a meaningful way."

BIGGEST CHANGE YOU'D LIKE TO SEE: "I would like to see more transparency in terms of profits and a better connection to the show's success with the overall success of a distribution platform."

A packaging agent for CAA whose clients include writers and executive producers Damon Lindelof, Jenji Kohan, Alex Kurtzman, Bob Orci, James Patterson and JC Chandor.



LARRY SALZ

Partner, Television Literary Department, United Talent Agency

Clients include Betsy Beers (producing partner with Shonda Rhimes, executive producer of shows including *Scandal* and *How to Get Away With Murder*), Lisa Joy (creator, *Westworld*), Jenni Konner (executive producer, *Girls*), Jill Soloway (executive producer, *Transparent*), and Rob Thomas (creator, *iZombie*, *Veronica Mars*, *Party Down*).

MOST UNUSUAL/MEMORABLE DEAL RECENTLY: "Jill Soloway's overall and company deal with Amazon Studios, which was the first overall deal Amazon has made."

BIGGEST STICKING POINT IN DEALMAKING: "The biggest issue that I am always coming across is the notion of 'precedents.' The television landscape has changed so drastically in the last several years that it would only make sense for the studios and networks to be more flexible in their negotiations. However, they still continue to revert back to the antiquated notion of 'precedents,' which ends up hurting the deal, which in turn leads to the studios and networks losing great projects that go on to find success elsewhere."

Salz also works with writers John August, Noah Baumbach, Scott Burns, Michael Chabon, Julian Fellowes, Nicole Holofcener and Whit Stillman.



AMY NICKIN

Partner, Entertainment Group, Frankfurt Kurnit Klein & Selz

Nickin represents actors, writers, directors, comics, on-air personalities and television production companies in all business and legal aspects of their film, television and theatrical careers and businesses.

MOST UNUSUAL/MEMORABLE DEAL RECENTLY: Melissa Benoist, *Supergirl*. "It was a testament to Warner Bros.' steadfast belief in Melissa's talent. It gave me a renewed faith in our industry."

BIGGEST STICKING POINT IN DEALMAKING: "Exclusivity and timing/position of deals. Most clients are now doing multiple projects across many platforms, so the traditional network windows and timing no longer control."

HOW DEALS HAVE CHANGED: "There is definitely less give in deals than there used to be. The studios and networks are really locked into a way of doing business. It takes a lot more creativity and diligence to alter the buyer's thinking and make the appropriate deal for your client."

BIGGEST CHANGE YOU'D LIKE TO SEE: "Bringing a beginner's mind to how we structure new media deals and allowing those principles to affect how we conduct our traditional business."

A leading advisor to high-profile talent, Nickin was recently recognized in *Super Lawyers* magazine as a New York-area 'Super Lawyer' in the field of entertainment and sports.



MICHAEL SUGAR

Managing Partner, Anonymous Content

Sugar wears several hats as a manager of A list talent—Steven Soderbergh, Richard Linklater, Edgar Wright, Cary Fukunaga, Marc Webb and actress Robin Wright to name a few. He is also a producer at Anonymous Content.

MOST INTERESTING OR SIGNIFICANT RECENT DEALS BY CLIENTS: "Cary Fukunaga's *Beasts of No Nation* agreement with Netflix, the streaming giant's first theatrical feature film acquisition. Cary was looking for a distribution plan that would get the film seen by a large audience but also include a traditional theatrical release. Netflix was able to offer him a mixed-release deal that covered both. The film will open in theaters the same day it premieres on Netflix."

BIGGEST STICKING POINT IN DEALMAKING: "The joke answer, sort of, is that the hardest things to negotiate are the per diems, the size of the trailers...the little things. But the reason for that is precedent, which is always difficult to work against."

HOW DEALS HAVE CHANGED: "The landscape is changing quickly and drastically. Old formulas are no longer relevant...It used to be that if we had sold an independent for \$5-\$7 million at a festival, it would have been front-page news. But now Netflix is paying \$12 million for *Beasts of No Nation*, which paves the way for other films like it. Web-based companies are serious about building real TV/film businesses and are now just as worthy players as the major studios and networks."

Sugar brought *True Detective*, directed by Cary Fukunaga, and Steven Soderbergh's *The Knick* to HBO/Cinemax.



Thompson has a focus on non-scripted television, into finance and investment banking.

Partner, Co-head Media and Entertainment Practice and cofounder of the Century City office of Sidley Austin

Thompson has played a key role in a number of major transactions in recent years, with his impact extending from Hollywood.

MOST SIGNIFICANT DEALS OVER THE PAST YEAR: Represented eOne in the \$132.6 million acquisition of 51% of the Mark Gordon Co., which has produced blue-chip series including *Criminal Minds*, *Grey's Anatomy* and *Ray Donovan*. Also represented Mark Burnett and Roma Downey in connection with the formation of United Artists Media Group, a \$343 million deal.

BIGGEST STICKING POINT IN DEALMAKING: "Post-close liability. Sellers, even those that are selling less than 100% of their media business, want to know that a deal is a deal and that the consideration paid at close is theirs to keep. On the other hand, buyers of media companies want to know that sellers will stand behind the representations in the dealmaking process. This causes endless, hard-fought, negotiations around reps, warranties, indemnities, escrows and post-close liability."

HOW DEALS HAVE CHANGED: "I am finding that more and more deals are substantially negotiated at the term-sheet stage. What used to be five-page, macro-concept term sheets are now 40-page, heavily negotiated documents."

BIGGEST CHANGE YOU'D LIKE TO SEE: "Move to the middle sooner!"



Walper works closely with and represents celebrity talent including hosts, chefs and fitness personalities.

Talent Manager, Brillstein Entertainment Partners

MOST UNUSUAL/MEMORABLE DEAL THIS YEAR OR LAST: "The *Full House* Super Bowl spot for Dannon was certainly one of the most memorable due to the intensity of the show's fan base. There was a great reception around our clients from the original series who reunited for the commercial [John Stamos, Bob Saget and Dave Coulier]. They also put in a lot of work on the creative for the spot and on behind-the-scenes footage.

BIGGEST STICKING POINT IN DEALMAKING: "Aside from overall fee and usage of material [both standard sticking points], social media posts accompanying commercial endorsements or press appearances are heavily negotiated. From a talent and representative standpoint, it is crucial that posts are incorporated in an organic and natural way. But from a marketing and advertising viewpoint, it is essential that campaign messaging is delivered clearly and directly. Working out the social media plan is always something that requires back-and-forth between talent, representatives and ad executives."

HOW DEALS HAVE CHANGED: "Hands down, social media. In the last five years at Brillstein, we have seen that social media for endorsements has gone from an occasional deal point to a customary and central one. It is now standard to expect social engagement as part of an endorsement or brand partnership."

ONE WAY YOU'D LIKE TO SEE DEALMAKING CHANGE: "I would love to see brands engage talent in a larger capacity during the creative process at the start of each campaign, especially when it comes to commercials and digital spots."

Congratulations to our partner,
Amy Nickin, selected for
Broadcasting & Cable's Special
Report on Dealmakers.

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