

NATO of California/Nevada

PREVIEWS

Information for the California and Nevada Motion Picture Theatre Industry

CALENDAR of EVENTS & HOLIDAYS

President's Day
February 16

Academy Awards
February 22

**Food Manager
Certification Seminar**
March 3 - So. California
March 5 - No. California

**Daylight Saving Time
begins**
March 8

St. Patrick's Day
March 17

ShoWest
March 30-April 2

Passover
April 9-16

Good Friday
April 10

Easter
April 12

**California Film Product
Seminar**
April 21 - So. California
April 23 - No. California

**NATO of CA/NV
Scholarship
Applications due**
April 24

SB 1608 Disability Access Law Reform: How Does It Help Business Owners?

During the 2007-08 legislative session business groups worked closely with legislators and their staffs, disability rights groups and the consumer attorneys to achieve historic reform to California's disability access laws.

The reform legislation, **SB 1608 (Corbett; D-San Leandro, Chapter 549, Statutes of 2008)**, is designed to promote and increase compliance with laws providing equal public access in places of business to individuals with disabilities, while reducing unwarranted litigation that does not advance that goal.

This article provides guidance to business on how SB 1608 helps to reduce unwarranted Americans with Disabilities Act (ADA) litigation and what business owners need to do to benefit from the new law:

- How can business owners ensure compliance and reduce chances of getting sued?
- If a business owner does get sued, how does SB 1608 help to encourage early resolution of the lawsuit?
- What elements of SB 1608 help to reduce unwarranted ADA lawsuit practices?

Ensuring Compliance

How can business owners ensure compliance and reduce chances of getting sued?

One of the best ways to avoid being sued under the disability access laws is to ensure that buildings are in compliance. SB 1608 provides a number of ways to help business owners:

✓ **Businesses should hire a CASp.** A certified access specialist (CASp) is a person business owners can be assured has been tested and certified by the state as an expert in disability access laws. SB 1608 sets up a process whereby business owners can voluntarily hire a CASp to inspect their buildings to ensure compliance with disability access standards and obtain an inspection report as proof they did so. A link to a list of certified CASp inspectors is available at www.calchamber.com/ADA.

When: Businesses should begin the process of obtaining an inspection as soon as possible.

- As with any other hired consultant, a price will need to be negotiated for this service. It will pay to shop around and obtain trusted referrals.

See "SB 1068," continued on page 2

Mark Your Calendars

NATO of California/Nevada Spring/Summer Film Product Seminar

April 21 at National Amusement's The Bridge::Cinema de Lux

April 23 at Cinemark's Century San Francisco Centre 9 Theatre

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11661 San Vicente Blvd., Suite 830
Los Angeles, CA 90049
Phone: 310/460-2900
Fax: 310/460-2901
E-mail: Office@NATOCalNev.org
www.NATOCalNev.org

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“SB 1068,” continued from page 1

- Either building owners or tenants can order a CASp inspection. (Either can be sued for non-compliance.) If you are a tenant, you may want to discuss with the building owner whether a CASp inspection was already completed or if there are plans for one.
- Businesses should ensure when they hire a CASp that the CASp provides an inspection report detailing what was inspected. SB 1608 requires the CASp to notify you of the right to an inspection report. Without one, business owners will not have proof of the inspection.
- If the CASp determines that corrections are needed in order for the site to be approved, the business owner is entitled to a written report identifying changes that need to be made and recommended reasonable timeframes for fixes.
- Business owners should keep the inspection report confidential and in a safe place. If you are ever sued, you must have a CASp inspection report in order to be eligible to request a 90-day stay of the lawsuit and an Early Evaluation Conference (more about this further in to the article). If you do not have a report, you will be barred from this benefit.

✓ **Businesses should request and post a CASp window sign.** Businesses whose structures have been approved by CASp will be able to request a window sign signifying they have been CASp-inspected. The window sign will send the message that the business has taken proactive steps to comply with the disability access laws and is not an easy target for lawyers seeking to earn quick money.

When: The official window signs should be available by March 1, 2009.

Improved expertise in new construction and building inspections. For the first time, there will be minimum continuing education requirements for building inspectors and architects on disability access laws, to help reduce the problem of new construction failing to comply. Moreover, by July 2010, local building inspection offices will be required to have at least one CASp on staff, available to provide consultation. Eventually all permitting and plan checks must be CASp-inspected.

When: The continuing education requirement will apply to license renewals beginning July 1, 2009. A CASp should be on staff in building inspection offices by July 1, 2010.

✓ **New State disability access commission part of the solution.** SB 1608 created a new California Commission on Disability Access (CCDA), which will be a 17-member state advisory commission made up of legislative and gubernatorial appointees from both the disability and business communities. The commission will be assigned the task of evaluating and providing recommendations on further disability access issues having an impact on the disability and business communities.

When: The anticipated start date for the commission is May 1, 2009.

The commission’s duties will include:

- Establishing a website resource for businesses that provides information on compliance with disability access laws.
- Establishing a master checklist for building inspectors to use in determining compliance with disability access laws, which also can be used as a guide for business owners.
- Evaluating continuing education requirements for those involved in building construction.
- Evaluating whether SB 1608 reforms are working as they should and are effective.

✓ **Deadline for state to address inconsistencies between state and federal regulations.** A significant frustration for the business community has been inconsistent federal and state regulations – compliance with one may mean violation of the other. For the first time ever, SB 1608 establishes a deadline for the state to propose amendments to the federal government that resolves these inconsistencies.

When: The deadline is December 31, 2010.

See “SB 1068,” continued on page 3

“SB 1068,” continued from page 2

Resolving Lawsuits Early

If a business owner does get sued, how does SB 1608 help to encourage early resolution of the lawsuit?

Even when businesses have reduced their chances of a lawsuit by hiring a CASp to ensure their building is in compliance and posting their CASp sign, unfortunately, there is never a 100 percent guarantee of not getting sued. However, SB 1608 gives CASp-approved businesses some tools for helping to resolve unnecessary litigation and encouraging early resolution.

- **90-day stay of the lawsuit and early evaluation conference.** Businesses that have been CASp-inspected *before* being sued – and only those businesses – are entitled to request a 90-day stay of the lawsuit and an Early Evaluation Conference (EEC).

When: The anticipated date of implementation is May 1, 2009.

- A stay is a temporary halting of all litigation. A major benefit of halting litigation temporarily is that attorneys will not be able to engage in motions or discovery and other activities that incur expensive attorneys’ fees.
- The EEC is a court-run conference between the parties, at which the parties will have the opportunity to explore whether the lawsuit can be settled. For example, if the lawsuit is based on an alleged violation that would be easy for the business to fix, and the business is willing to resolve the issue quickly, the parties will be able to discuss whether further litigation is necessary.

✓ **How to request the stay and EEC.** A defendant must file a request form with the court within 30 days of being sued. The appropriate form is required to be delivered with the lawsuit, but all necessary forms and instructions also will be made available on the state’s court self-help website later this year. A link to this information will be posted at www.calchamber.com/ADA when it becomes available.

The court will grant the stay and EEC upon receipt of the request and schedule a time for the conference, within 50 days from the filing of the request. The plaintiff and defendant will be directed to appear in person at the time of the conference.

✓ **Defendant must provide the CASp inspection report.** No later than 15 days before the EEC, the defendant absolutely must file with the court and provide the plaintiff with a copy of the CASp inspection report. If the defendant does not do so, the court may lift the stay absent a showing of good cause. The confidentiality of the report must be maintained until the conclusion of the lawsuit.

The plaintiff, in turn, must provide the court and defendant

with a statement that includes the basis for the claimed violations, amount of damages claimed, amount of attorney’s fees and costs incurred to date, and any settlement demands.

Reducing Unwarranted Lawsuits

What elements of SB 1608 help to reduce unwarranted ADA lawsuit practices?

SB 1608 also established important reforms that will help to reduce inappropriate attorney monetary demands and provide significant clarifications in the law for both plaintiffs and defendants concerning recoverable damages and settlement offers:

✓ **Attorneys who issue demands for money must also provide the business owner with an advisory statement.** SB 1608 requires that written demands for money by attorneys be accompanied by an explanation of the legal rights of the building owner/tenant, including the ability to contact their insurance company as well as an attorney experienced with ADA lawsuits. In addition, the advisory will explain that receipt of a demand for money does not necessarily mean the business is liable.

Attorneys who fail to comply may be reported to the State Bar. The advisory statement will be available in multiple languages on the state court website.

When: The anticipated implementation date is May 1, 2009.

✓ **Multiple damages may not be recovered at a single facility.** SB 1608 will help to ensure that damages may be claimed only when a plaintiff personally encountered a violation or was deterred from gaining access on a particular occasion. SB 1608 clarifies that a denial of full and equal access constitutes one violation per distinct facility for purposes of damages. Damages may not be recovered for each and every single offense that may exist at the particular facility.

In addition, the plaintiff may not recover for violations that may have existed at a facility but which never caused harm or injury to the plaintiff, either in the form of an encounter or deterrence on a particular occasion.

When: The anticipated implementation date is May 1, 2009.

Parties will be encouraged to consider reasonable settlement offers. SB 1608 clarifies that a court can consider, among other relevant factors, reasonable written settlement offers made and rejected by either party in determining the amount of an attorneys’ fees award at the conclusion of a case.

When: The anticipated implementation date is May 1, 2009. ▼



National Association
of Theatre Owners
Of California/Nevada

2009 SCHOLARSHIP PROGRAM

UP TO TWENTY

\$7,500 SCHOLARSHIPS

AVAILABLE FOR POST SECONDARY
OR VOCATIONAL EDUCATION!

Applications must be postmarked or delivered to the
NATO of CA/NV Office by April 24, 2009.

Scholarships will be announced in June, 2009

Visit www.NATOCalNev.org/scholarship.html
for application and more information.

NATO of CA/NV Will Award up to 20 \$7,500 Scholarships in 2009

NATO of California/Nevada will once again award up to \$150,00 to 20 member scholars in 2009 through its scholarship program. To learn more about this generous program visit <http://www.natocalnev.org/scholarship.html> to download an application that should answer all of your questions, to see the list of 2008 winners and to read the 2008 winning essays.

The scholarships are to be used for secondary or vocational education and the program is available to employees of its member companies including field level employees, California and Nevada based Home Office employees and dependents or spouses of qualifying home office employees and full salaried theatre managers.

The application deadline is April 24, 2009. ▼

1st Multiplex Theatre Solar System

Dave Corkill's CinemaWest Theatres installed the first multiplex theatre solar system in the U.S at its Fairfax Theatre in Northern California this past September. The second installation has just been completed at CinemaWest's Livermore Cinemas in Livermore, California. With a total of 805 panels it is officially the largest solar system on the roof of a movie theatre anywhere in the world.

The solar systems at both theatres are projected to provide anywhere from 60% to 70% of the theatres total daily power consumption. ▼



Aerial photo showing the 805 solar panels manufactured by Solyndra on the roof of CinemaWest's 42,000 sq.ft. Livermore 13 Theatre.

NATO of CA/NV Board of Directors at January, 2009 Meeting

The National Association of Theatre Owners of California/Nevada's Board of Directors held their semi-annual meeting in the new George Lucas Building at the University of



Southern California. Pictured in front of the state-of-the-art complex is our Board. Front row: Scott Lotter, Paradise Theatres; Bruce Coleman, Brenden Theatres, President and CEO Milt Moritz;

Secretary Alan Grossberg, UltraStar Cinemas; Jerry Forman, Chairman Emeritus; and Ted Mundorff, Landmark Theatres. Back row: Ed Moyer, AMC; Hal Sawyer, Cinemark; Chairman Ray Syufy, West Wind Drive-Ins; Peter Dobson, Mann Theatres, Treasurer Frank Rimkus, James DuBois, Regal Entertainment Group and Vice President David Corwin, Metropolitan Theatres. ▼

Sexual Harassment Prevention Training Seminar



Pictured above is Paul Richardson, president and CEO of Sundance Cinemas with presenters Janet Grumer and John LeCrone of Davis Wright Tremaine LLP.

Over 300 supervisors learned what is, and isn't, considered sexual harassment at the NATO of California/Nevada Sexual Harassment Prevention Training seminars presented last month by John LeCrone and Janet Grumer of the law firm Davis Wright Tremaine LLP.

On behalf of its members NATO of California/Nevada wishes to thank the Regal Entertainment Group represented on site by Regal Edwards South Gate 20 General Manager Mohammad Shakshir and District Manager Dennis Gumaer; and Sundance Cinemas, specifically President and CEO Paul Richardson, VP of Marketing Nancy Gribler and Kabuki 8 Theatre managers Michael Springer and Steve Pellinacci, for welcoming us at their theatres.

Mr. LeCrone who represents employers and management in wrongful discharge, harassment and discrimination litigation, wage and hour class actions, and trade secrets/unfair competition litigation can be reached via E-Mail at johnlecrone@dwt.com or 213/633-6825. Ms. Grumer, a former movie theatre executive whose practice focuses on theatre and retail clients, including employment and general litigation issues, can be reached at 213.633.6866 or janetgrumer@dwt.com. ▼

NEW I-9 FORM! April 3, not Feb 2

The United States Citizenship and Immigration Services (USCIS) issued an announcement that the required use of the new I-9 form, dated February 2, 2009, will be delayed until April 3, 2009. Until then, use the current form with the June 5, 2007 revision date. The I-9 form is a required part of the hiring process for employers to verify that every new hire is either a U.S. citizen or authorized to work in the United States. Employers make this verification by examining documents noted on the I-9 form that establish identity and employment eligibility. ▼

Academy Award® 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, a surprise 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 20, 2009. Only one entry per person, the first one submitted, will be accepted

1. Best Motion Picture of the year

- "The Curious Case of Benjamin Button"
- "Frost/Nixon"
- "Milk"
- "The Reader"
- "Slumdog Millionaire"

2. Actor in a leading role

- Richard Jenkins in "The Visitor"
- Frank Langella in "Frost/Nixon"
- Sean Penn in "Milk"
- Brad Pitt in "The Curious Case of Benjamin Button"
- Mickey Rourke in "The Wrestler"

3. Actress in a leading role

- Anne Hathaway in "Rachel Getting Married"
- Angelina Jolie in "Changeling"
- Melissa Leo in "Frozen River"
- Meryl Streep in "Doubt"
- Kate Winslet in "The Reader"

4. Actor in a Supporting Role

- Josh Brolin in "Milk"
- Robert Downey Jr. in "Tropic Thunder"
- Philip Seymour Hoffman in "Doubt"
- Heath Ledger in "The Dark Knight"
- Michael Shannon in "Revolutionary Road"

5. Actress in a Supporting Role

- Amy Adams in "Doubt"
- Penelope Cruz in "Vicky Cristina Barcelona"
- Viola Davis in "Doubt"
- Taraji P. Henson in "The Curious Case of Benjamin Button"
- Marisa Tomei in "The Wrestler"

6. Achievement in Directing

- David Fincher, "The Curious Case of Benjamin Button"
- Ron Howard, "Frost/Nixon"
- Gus Van Sant "Milk"
- Stephen Daldry, "The Reader"
- Danny Boyle, "Slumdog Millionaire"

7. Original Screenplay

- Courtney Hunt "Frozen River"
- Mike Leigh "Happy-Go-Lucky"
- Martin McDonagh "In Bruges"
- Dustin Lance Black "Milk"
- Andrew Stanton, Jim Reardon "WALL-E"

8. Achievement in film editing

- "The Curious Case of Benjamin Button"
- "The Dark Knight"
- "Frost/Nixon"
- "Milk"
- "Slumdog Millionaire"

9. Achievement in cinematography

- "Changeling"
- "The Curious Case of Benjamin Button"
- "The Dark Knight"
- "The Reader"
- "Slumdog Millionaire"

10. Achievement in art direction

- "Changeling"
- "The Curious Case of Benjamin Button"
- "The Dark Knight"
- "The Duchess"
- "Revolutionary Road"

11. Achievement in costume design

- Catherine Martin, "Australia"
- Jacqueline West, "The Curious Case of Benjamin Button"
- Michael O'Connor, "The Duchess"
- Danny Glicker, "Milk"
- Albert Wolsky, "Revolutionary Road"

12. Achievement in makeup

- Greg Cannom "The Curious Case of Benjamin Button"
- John Caglione, Jr. and Conor O'Sullivan "The Dark Knight"
- Mike Elizalde and Thorn Floutz "Hellboy II: The Golden Army"

13. Achievement in sound mixing

- "The Curious Case of Benjamin Button"
- "The Dark Knight"
- "Slumdog Millionaire"
- "WALL-E"
- "Wanted"

14. Achievement in visual effects

- "The Curious Case of Benjamin Button"
- "The Dark Knight"
- "Iron Man"

15. Music in connection with motion picture (Original Song)

- "Down to Earth" from "WALL-E"
- "Jai Ho" from "Slumdog Millionaire"
- "O Saya" from "Slumdog Millionaire"

16. Best foreign language film

- "The Baader Meinhof Complex", Germany
- "The Class" France
- "Departures", Japan
- "Revanche", Austria
- "Waltz With Bashir", Israel

Name: _____ Daytime Phone: _____ E-mail _____

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.

81st Edition Academy Awards Nominees By Studio

Grosses through 1/20/09

STUDIO	OSCAR NOMINEE	RELEASE DATE	DOMESTIC GROSS	OSCAR NOMS
Warner Bros.	The Curious Case of Benjamin Button (Par)	Thu, 12/25/08	\$103,979,578	13
	The Dark Knight	Fri, 7/18/08	\$531,037,655	8
	Totals		\$635,017,233	21
Paramount/ Dreamworks	The Curious Case of Benjamin Button (WB)	Thu, 12/25/08	\$103,979,578	13
	Iron Man	Fri, 5/2/08	\$318,412,101	2
	Tropic Thunder	Wed, 8/13/08	\$110,515,313	1
	Kung Fu Panda	Fri, 6/6/08	\$215,434,591	1
	Totals		\$748,341,583	17
Fox Searchlight	Slumdog Millionaire	Wed, 11/12/08	\$44,239,067	10
	The Wrestler	Wed, 12/17/08	\$5,488,838	2
	Totals		\$49,727,905	12
Universal	Frost/Nixon	Fri, 12/5/08	\$8,821,381	5
	Changeling	Fri, 10/24/08	\$35,739,802	3
	Wanted	Fri, 6/27/08	\$134,508,551	2
	Hellboy II: The Golden Army	Fri, 7/11/08	\$75,986,503	1
	Totals		\$255,056,237	11
Focus Features	Milk	Wed, 11/26/08	\$20,591,008	8
	In Bruges	Fri, 2/8/08	\$7,800,824	1
	Totals		\$28,391,832	9
Walt Disney	Wall-E	Fri, 6/27/08	\$223,808,164	6
	Bolt	Fri, 11/21/08	\$112,581,719	1
	Presto	Fri, 6/27/08	\$0	1
	Totals		\$336,389,883	8
Miramax	Doubt	Fri, 12/12/08	\$25,600,200	5
	Happy-Go-Lucky	Fri, 10/10/08	\$3,498,243	1
	Totals		\$29,098,443	6
Paramount Vantage	Revolutionary Road	Wed, 12/26/07	\$6,242,856	3
	The Duchess	Fri, 9/19/08	\$13,848,978	2
	Defiance	Wed, 12/31/08	\$11,531,179	1
	Totals		\$31,623,013	6
Weinstein Co.	The Reader	Wed, 12/10/08	\$7,908,301	5
	Vicky Cristina Barcelona	Fri, 8/15/08	\$23,022,198	1
	Totals		\$30,930,499	6
Sony Classics	Frozen River	Fri, 8/1/08	\$2,309,958	2
	Waltz with Bashir	Thu, 12/25/08	\$551,146	1
	Rachel Getting Married	Fri, 10/3/08	\$10,758,023	1
	The Class	Fri, 12/19/08	\$0	1
	Totals		\$13,619,127	5
Magnolia Thinkfilm	Man on Wire	Fri, 7/25/08	\$2,946,756	1
	Encounters at the End of the World	Wed, 6/11/08	\$944,933	1
Fox	Australia	Wed, 11/26/08	\$48,409,543	1
Overture	The Visitor	Fri, 4/11/08	\$9,427,089	1
Cinema Guild	The Betrayal (Nerakhoon)	Fri, 11/21/08	\$12,136	1
Janus Films	Revanche		\$0	1
Regent Releasing	Departures		\$0	1
Zeitgeist	Trouble the Water	Fri, 8/22/08	\$491,531	1

NOTABLES:

"The Curious Case of Benjamin Button" is a co-production of Paramount & Warner Bros.

INSIDE PREVIEWS

**SB 1608
Disability Access
Law Reform**



**1st Multiplex
Theatre Solar
System**



**NATO of CA/
NV Board of
Directors Met**



New I-9 Form



**Academy Award®
Contest**



**Academy Awards
Nominees By
Studio**



**2009 Bank
Holidays**



**A Well-Handled
Situation**



**NATO of CA/
NV Scholarship
Program**

A Well-Handled Situation

Mike Getz of Sierra Cinemas, a NATO of California/Nevada member, thought this report from one of his assistant managers, Andrew Blandford at Sutton Cinemas, might be of interest to many in our industry.

Box Office Problems: While I was cleaning the theater for Defiance, a man who had just been in Defiance came out of the theatre and told Michael that he had fallen asleep during Defiance, and that he was therefore going to go see Doubt, and he promptly turned around and walked into the theater where Doubt would soon be showing, leaving his ticket for Defiance on the snack bar counter. Michael told me about it and I said I would take care of it. I went in and asked the man if he was the one who fell asleep in Defiance, and he said he was. I told him that I could not allow him to see Doubt for free, but I would be willing to compromise and let him watch Defiance again. He then followed me out of the theater and explained that he had actually wanted to see Doubt all along, but that he didn't notice that Defiance actually wasn't Doubt, and then he fell asleep before he could find out for sure. He seemed like he was obviously making it up as he went, but I was not in the mood to accuse him of lying. So, after explaining the dilemma that HIS dilemma was causing me, namely, that I would essentially be letting someone see two movies for the price of one, I decided that I would compromise and let him buy a senior ticket for Doubt. He agreed rather amiably, and paid six dollars to see Doubt. Overall it was a rather pleasant exchange of concerns and possible solutions, which ended in what I feel, was a reasonable and acceptable conclusion. I don't know how important all this is to you, but I just thought it was a nice story about a patron who probably lied but didn't get mad at me for not just accepting it and letting him do whatever the heck he wanted. The best summary I can think of is that he sought to overcome the rules of the theater through an act of Defiance, and I, armed with a healthy measure of Doubt, denied him his request. ▼

2009 Bank Holidays

Make note of the 2009 Official Bank Holiday Schedule as follows:

President's Day	February 16
Memorial Day	May 25
Independence Day.....	July 4
Labor Day	September 7
Columbus Day	October 12
Veteran's Day	November 11
Thanksgiving Day	November 26
Christmas Day.....	December 25