

# Judge OKs Race Suit Against Universal

By LORENZA MUÑOZ  
Times Staff Writer

A federal judge has ruled that Universal Pictures must go to trial in the first racial discrimination case brought by the government against a Hollywood studio.

The suit, filed by the Equal Employment Opportunity Commission in 2003, alleges that a first assistant director on the studio's hit "2 Fast 2 Furious" was fired because he was African American. The suit alleges that Universal violated Title VII of the Civil Rights Act of 1964.

The studio denies the charges and had sought to have the case dismissed. But late Wednesday, U.S. District Judge Gary Allen Feess ruled that the case should be tried.

The EEOC filed the suit on behalf of Frank Davis, now 47, who at the time of his firing had been directing for at least 12 years. The suit alleges that Davis was fired from "2 Fast 2 Furious," without cause, over the objections of director John Singleton, who is also black. Singleton had picked Davis to work as his assistant director, the suit said.

"Singleton adamantly asserts that Davis was performing satisfactorily and that Singleton would have terminated Davis had he not performed," Judge Feess wrote in his decision. "These facts, among many others, raise a genuine issue for trial regarding the true motive for Davis' termination, and could support an inference that he was terminated because of race."

Anna Park, lead attorney for the Los Angeles office of the EEOC, said the judge's ruling would give the government "a chance to look into the hiring and firing practices of Hollywood — an industry that has operated for too long, she said, with "flagrant disregard for the law."

"Since the mid-1980s, the EEOC has been trying to address the problems that we have heard in the entertainment industry," Park said in an interview Thursday.

"We would hear complaints all the time. But it has taken until now for someone to finally come forward. People were too afraid."

Davis, she said, "has paid the price." Despite his long list of credits, "he has not worked since he filed the charge."

Attorneys for Universal declined to comment, but a spokes-

[See Universal, Page C6]

Los Angeles Times

# BUSINESS

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## Race Suit Against Studio

[Universal, from Page C1]

person for the studio said, "Mr. Davis was replaced on the film solely for inadequate performance and not for any other reason."

Davis, who became a member of the Directors Guild of America in 1988, had been working steadily as an assistant director since 1992, according to the suit. Davis was brought on to work on "2 Fast 2 Furious" by Singleton, who had also hired him for his 2001 film "Baby Boy."

Singleton, the only African American ever nominated for an Academy Award for best director, earned for 1991's "Boyz n the Hood," could not be reached for comment Thursday.

In the lawsuit, the director said he was upset about the firing and maintained that Davis was "discharged because of his race."

Universal asserted that Davis was not qualified to handle a production as complex and expensive as "2 Fast," which cost more than \$85 million and included many action sequences and stunts.

But in 1991 Davis had worked as key second assistant director on "Terminator 2: Judgment Day," a production that was rife with stunts and cost more than \$100 million.

According to the suit, Universal production executive Ron Lynch, who had fired Davis, had acknowledged that he was qualified.

The suit alleges that race was brought up by Universal produc-



ERIC BOYD Los Angeles Times  
**CLAIMANT: Frank Davis**  
alleges that he was fired by  
Universal because of his race.

tion manager Terry Miller. According to the suit, Miller was interviewing a man over the telephone whom Davis had wanted to hire for the production team when he asked, "What color are you? Are you black?"

In his decision, the judge ruled that "such an inquiry... is the kind of remark that the Circuit has found sufficient to give rise to an inference that the termination decision was motivated by illegal discrimination."

The EEOC, which is suing

Universal Pictures, Universal City Studios and Vivendi Universal Entertainment, seeks damages of as much as \$8 million, which includes back pay and punitive damages as well as court-enforced monitoring, oversight of the studio's hiring and firing practices and anti-discrimination sensitivity training.

In an interview Thursday, Davis said he was saddened by the episode but hoped that his suit might lead to change.

"I didn't do anything wrong," he said. "My parents were involved in the civil rights movement and I have a lot of respect for that. You can't just quit. I am not going to be run out. If I don't work again, that says a lot about the town."

In his experience, Davis said, Hollywood lags behind many other industries in diversifying its workforce.

Reuben Cannon, a veteran producer who hired Singleton as an intern early in his career, said African Americans, Asians and Latinos who work in the industry often share horror stories about the prejudice they encounter at work.

"If there is ever to be a change in Hollywood, the change will come when those of us with power demand that the crew reflect America," said Cannon, who is now making movies with writer-director Tyler Perry. "In spite of Hollywood's claim to be committed to diversity, the numbers just don't support it. Frank's situation is more the norm than the exception."

# Trial to begin in studio bias case

The U.S. suit against Universal could offer a rare glimpse into Hollywood hiring and firing practices.

By LORENZA MUÑOZ  
Times Staff Writer

The government's first lawsuit against a Hollywood studio alleging racial discrimination is set to go to trial today, pitting Universal Pictures against a former first assistant director of its hit movie "2 Fast 2 Furious."

The U.S. Equal Employment Opportunity Commission sued Universal four years ago on behalf of Frank Davis, alleging that he was fired because he is African American. The suit alleges that Davis, who had been directing for 12 years, was fired without cause, over the objections of the director, the Oscar-nominated John Singleton, who also is an African American.

Universal denies the charges.

"There is absolutely no basis to these allegations," said a Universal spokeswoman, who asked not to be named. "We are confident many witnesses will testify that Mr. Davis' firing had nothing to do with race but was solely due to his poor performance as a first assistant director."

The case could provide a rare glimpse into the hiring and firing practices of Hollywood studios. Complaints such as this one rarely become public.

Employees in the insular film and television industry worry that taking legal actions against the major studios can mark them as undesirable for hiring. Studios are reluctant to have their personnel practices open to public scrutiny in court.

"Most of these issues never come to light, but it is something that the commission had heard about for many years," said Anna Park, head regional attorney for the EEOC's Los Angeles office. "It took the bravery of Mr. Davis to bring that to light. Unfortunately he has paid a price. We owe it to him to let a jury decide the issue."

[See Universal, Page C7]

# BUSINESS

Tuesday, June 12, 2007

## Trial to open in Universal bias case

[Universal, from Page C1]

The commission seeks back pay and punitive damages as well as court-enforced monitoring, oversight of the studio's hiring and firing practices and anti-discrimination sensitivity training.

Davis has joined the EEOC's suit, alleging that his civil rights were violated. Davis is seeking damages estimated at several million dollars.

"This will show that the film industry does in fact discriminate," said John E. Sweeney, Davis' attorney. "They need to change their ways and come along into the modern world."

At a hearing Friday, the studio tried to settle the lawsuit, according to people close to Davis, Universal and the commission who asked not to be named because the talks were confidential. However, the parties could not come to an agreement, in part because the studio asked that the agreement be confidential and the government refused.

The case has caught the attention of civil rights leader the Rev. Jesse Jackson, who met with Universal Studios President Ron Meyer several weeks ago to try to reach a compromise, people close to the matter said.

Davis, 47, was hired by Universal in mid-2002 and was brought on board for the production of "2 Fast" by Singleton, who is scheduled to testify today.

In court documents, Singleton said he was upset about Davis' being fired. In addition, he told a member of the Directors Guild of America that race might have played a role, according to depositions. Singleton said he was under pressure to finish his film and therefore did not complain to Meyer or then-Chairwoman Stacey Snider. The judge has ruled that Singleton's speculation about the role of race in



ERIC BOYD Los Angeles Times  
**PLAINTIFF: Frank Davis**  
alleges that he was fired by the studio because he is black.

Davis' dismissal was not admissible in the case.

Universal asserts that Davis was not qualified to handle a production as complex and expensive as "2 Fast," which cost more than \$85 million and included many action sequences and stunts. But in 1991, Davis had worked as key second assistant director on "Terminator 2: Judgment Day," a production that was rife with stunts and cost more than \$100 million.

The studio also maintained that there were concerns about Davis' ability to communicate, his lack of organization and an inability to keep the set safe and keep the production on schedule.

But Park of the EEOC contends that many of those issues were not raised until after the commission filed its suit. "All these performance reasons were made up after the fact," Park said. "He was not treated the same as his white counterparts."

The government is using internal e-mails from top studio executives to show how plans to fire Davis were underway only a few weeks after he was hired. "At this point they do not have real spe-

cifics for getting rid of him and we might have to get into the film a bit," wrote Holly Barrio, senior vice president of production and development at Universal in a Sept. 9, 2002, e-mail to other studio executives.

At the time, Barrio was reacting to phone calls from producers and crew members complaining about Davis, according to people familiar with the matter.

Although Barrio's e-mail is devoid of any reference to race, that subject was broached by Universal production manager Terry Miller, according to the EEOC suit.

In a telephone interview, Miller asked Matthew Weiner, an industry veteran whom Davis had wanted to hire to help on the production, "What color are you? Are you black?" the suit said.

According to his deposition, Weiner said he told Miller, "Not that it should matter, but I'm Jewish and from New York, which the name Weiner should implicate. . . . I can't see where that would have any bearing on my qualifications."

Miller is expected to testify in court; he maintains in a deposition that he had never asked Weiner about his race.

Davis was let go Oct. 6, 2002, well before "2 Fast" opened in June of the following year. He filed a charge against Universal with the EEOC in December 2002. Davis, who has not worked in Hollywood since he filed suit, said he had been getting by on savings, investments and help from friends.

"I have been ostracized. I have not been able to get work since. But I am still here, taking it day by day," Davis said. "I am looking forward to telling my story because it has taken so long."

lorenza.munoz@latimes.com

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**BUSINESS**

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1

## Director says he disagreed with firing

John Singleton testifies in a U.S. discrimination suit against Universal about his first assistant.

By LORENZA MUÑOZ  
Times Staff Writer

Oscar-nominated director John Singleton testified Tuesday that he disagreed when Universal Pictures fired his African American first assistant director on the 2003 movie "2 Fast 2 Furious" but didn't fight it because he needed to finish the film.

Singleton's remarks came on the opening day of a federal discrimination lawsuit alleging that Frank Davis was unfairly fired because of his race. Singleton, whose films include "Boyz n the Hood" and "Shaft," acknowledged that completing the movie was more important than saving Davis' job.

"He was my friend... I said implicitly I did not want to fire him — I didn't want to be put in that position," he said. But "I had to make my movie, man... It was my biggest movie... The movie is the most important thing."

The Equal Employment Opportunity Commission, in the first racial discrimination case filed by the government against a Hollywood studio, is alleging that Universal Pictures fired Davis without cause and because he is African American.

EEOC lawyers and Davis' attorney alleged that he was held to a higher standard than the white assistant director who eventually replaced him. The commission seeks back pay and punitive damages as well as court-enforced monitoring and oversight of the studio's hiring and firing practices. Davis, 47, is seeking damages estimated at several million dollars.

Universal denies the charges and maintains that Davis was fired for performance reasons. Universal's outside counsel, Steve Cochran, said in his opening statements that "Davis was not doing his job" and that crew members and the production team complained.

Singleton's testimony conflicted at times with a deposition he gave in 2004, prompting some testy exchanges between him and Davis' attorney, John E. Sweeney. Singleton, one of Hollywood's top African American filmmakers, signed a multi-picture distribution deal with Universal in 2005. When Sweeney asked him whether he was working with the studio, Singleton smiled and replied, "We'll see."

Singleton and lawyers for both sides stressed the importance of the first assistant director. Nicknamed the "First AD," the job involves working as the on-set liaison among the producers, the director and all department heads including costumes, casting, location managers and hair and makeup.

Singleton selected Davis after working with him on his 2001 feature, "Baby Boy" and a Burger King commercial starring basketball star Shaquille O'Neal.

"We did a good movie together and I wanted to bring him up on the next one," he said.

As assistant director, Davis served as a buffer between the director and the producers, particularly in keeping the production on schedule and on budget. The budget on "2 Fast 2 Furious," was about \$85 million, with each day of principal photogra-



BRYAN HARAWAY/Getty Images  
WITNESS: John Singleton, shown in 2005, hired Frank Davis as his assistant director.

phy costing about \$300,000 on the sequel to the hit "The Fast and the Furious."

Singleton told Davis that he needed at least 70 days of principal photography to shoot in Miami. But the producers informed Davis they wanted it done in 57. Davis told the producers that Singleton could not budge and, in the process, probably alienated them, Singleton said. Months after Davis was dismissed, the film was shot in about 70 days.

"I told Frank, 'I'm going to do it like this and I don't care what they say.'... He held the line for me," said Singleton, who appeared calm and frequently smiled at Davis from the witness stand. "He was put in a hard place by myself." Singleton said he never heard complaints about Davis until the day when several executives on the movie, including producer Neal Moritz, told him changes needed to be made.

Even though these executives did not give Singleton a concrete reason for firing Davis, Singleton said, it was clear some people on the production were not happy with his performance. According to Directors Guild of America rules, a director has to sign off on the firing of an assistant director.

"As far as I saw, he was doing a good job," Singleton said. But, he added, "his position was very important and... if it wasn't working for the support team, I had to make a decision."

Singleton will continue his testimony today.

lorenza.munoz@latimes.com

Los Angeles Times

# BUSINESS

Thursday, June 14, 2007

## Universal settles suit

[Universal, from Page C1]  
enforced monitoring, oversight of the studio's hiring and firing practices and remedies for training and complaint procedures.

"2 Fast 2 Furious" director John Singleton maintained throughout his testimony, which ended Wednesday, that he was opposed to the firing of Davis, 47.

In his testimony Wednesday, Davis said, "I did what I was supposed to be doing and I was fired."

Andrew Fenady, the Universal production executive who oversaw the film, tried to cast doubt Wednesday on the government's assertions that race played a role in Davis' firing.

He testified that he had reservations about Davis' lack of experience as a first assistant director on any movie with the budget and complexity of "2 Fast 2 Furious."

Fenady said those doubts arose before he was aware Davis was African American. Fenady said his concern mounted when he attended a meeting in August 2002, after Davis was hired, during which the first assistant director seemed to lack "command" of how complex scenes would be coordinated.

By September, when filming began in Miami, production staff told Fenady that Davis was "a weak link," and that the production was going to suffer, Fenady said. In a movie, the first assistant is a key liaison among the director, the crew and the production staff.

Fenady said that on the third day of principal photography the set was in "sheer and total chaos."

But the clincher for him came when the studio's transportation captain said to him that Davis was "going to get someone killed out here," Fenady testified.

Fenady said he flew back to Los Angeles and immediately reported this to his boss. Davis was fired a few days later.

The government maintains that Universal executives did not give Davis written notice of any alleged safety violations and that production reports did not indicate that the project was behind schedule.

Fenady acknowledged as much.

Another witness who took the stand Wednesday brought up the issue of race. A representative of the Directors Guild of America said he was told by Singleton in several conversations that Davis had been fired because he was black.

"Mr. Singleton did not agree with the company's intention to terminate Mr. Davis," said Rodney Mitchell, assistant executive director of the DGA, who said he was called by Singleton in the days leading up to Davis' firing and afterward.

"He believed it was because of racial discrimination and that people there were not comfortable with an African American in the position of first assistant director, Mitchell testified.

However, Singleton did not file a grievance with the DGA, noted Universal's outside counsel, Steve Cochran.

### LABOR

## Universal settles with black movie worker

By LORENZA MUÑOZ  
Times Staff Writer

One day after the start of a racial discrimination trial, Universal Pictures struck a settlement Wednesday with the former assistant director who brought the lawsuit, but it continued to defend itself against similar claims by the federal government.

Frank Davis, an African American who was fired as first assistant director on the 2003 movie "2 Fast 2 Furious," settled his complaint for an undisclosed amount. Universal would not comment on the settlement.

The studio has maintained that the Equal Employment Opportunity Commission's charges are without merit and that Davis was terminated because of his performance.

Davis' attorney, John E. Sweeney, who was seeking a multimillion-dollar settlement, would not comment Wednesday about the terms.

"We had been in settlement negotiations for a while, and it came to fruition this morning," he said.

Anna Park, head regional attorney for the EEOC, said the commission was disappointed that Davis settled so soon into the trial.

Because the government is not seeking financial damages, the seven-member jury was dismissed and the trial will now be decided by U.S. District Judge Gary Allen Feess.

"This is bigger than Mr. Davis," Park said. "We are there to hold industries accountable."

The EEOC is seeking court-  
[See Universal, Page C5]

## Turns in '2 Fast' bias suit *AD settles his portion, then testifies*

By Leslie Simmons

Industry veteran Frank Davis on Wednesday settled his portion of the federal government's racial discrimination case against Universal Pictures, then took the stand and told a seven-member jury that he believed he was fired as first assistant director on "2 Fast 2 Furious" because he is black.

"I did what I was supposed

to be doing," Davis testified in federal court in downtown Los Angeles. "Unfortunately, Universal has certain stereotypes of people who look like me, and I was fired.

"I was held to a different standard," he added.

Universal has vehemently denied Davis' charges, saying that the director was fired because he could not handle the high-

*See SUIT on page 36*

## Suit

*Continued from page 4—*

budget film, which included numerous action sequences.

The second day of the U.S. Equal Employment Opportunity Commission's case against Universal included the conclusion of testimony from "2 Fast" director John Singleton as well as sidebar discussions, settlement-talk breaks and the removal of a sick juror by U.S. District Court Judge Gary Feess.

The EEOC sued the studio in 2003 over Davis' firing, claiming that it was without cause.

Davis then joined the commission's lawsuit, seeking additional compensatory and punitive damages.

Davis claims that he has not worked in the industry since being fired from the 2003 film.

Outside the courtroom, Davis' attorney John Sweeney said of the settlement, "We are satisfied."

Universal officials attending the

trial, including general counsel Maren Christensen and senior vp litigation David Burg, declined comment on the settlement. The EEOC resumed its case after the judge informed the jury the dispute between Davis and Universal had been resolved.

"We're going forward with all our witnesses," EEOC attorney Gregory McClinton said in the courthouse.

Said EEOC regional attorney Anna Park said of Davis' settlement: "We are a separate party, and when we sue, we sue in the public interest. We need to be satisfied in any resolution that the public interest is served."

Singleton then resumed his testimony, with cross-examination by Universal lead attorney Steve Cochran of Katten Muchin Rosenman.

Singleton worked with Davis — a 20-year film veteran — on 2001's "Baby Boy" and on a Burger King commercial starring Shaquille

O'Neal.

The well-known "Boyz N the Hood" director testified that he "wanted to bring my people from other productions" in for "2 Fast," including Davis.

Under questioning, Singleton testified that he was satisfied with Davis' performance as a producer but that he made an "executive decision" to let Davis go after several crew members complained about him.

The director had said in a previous deposition that he thought race might have played a role in Davis' dismissal.

Davis, testifying after Singleton, said he never received any complaints personally about how he was running the production.

Singleton "told me I was doing a good job," Davis said.

The trial resumes today.

*The Associated Press contributed to this report. Leslie Simmons is a senior staff writer for The Hollywood Reporter, ESQ.*