

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA, )  
)  
Plaintiff, )  
)  
v. )  
)  
PARAMOUNT PICTURES, INC., )  
)  
Defendant. )

Case 1:19-mc-00544-AT

UNITED STATES OF AMERICA, )  
)  
Plaintiff, )  
)  
v. )  
)  
LOEW'S INCORPORATED, ET AL., )  
)  
Defendants. )

***AMICUS CURIAE* INDEPENDENT CINEMA ALLIANCE'S MEMORANDUM  
IN OPPOSITION TO THE DEPARTMENT OF JUSTICE'S  
MOTION TO TERMINATE THE PARAMOUNT CONSENT DECREES**

G. Kendrick Macdowell  
Counsel, Independent Cinema Alliance  
D.C. Bar No. 436375  
(214) 782-9985  
[kendrick27@yahoo.com](mailto:kendrick27@yahoo.com)

James J. Mahon  
Becker & Poliakoff LLP  
Local Counsel for ICA  
45 Broadway  
17<sup>th</sup> Floor  
New York, New York 10006  
(212) 599-3322  
[Jmahon@beckerlawyers.com](mailto:Jmahon@beckerlawyers.com)

## TABLE OF CONTENTS

Table of Authorities.....	iii
INTERESTS OF AMICI.....	1
INTRODUCTION.....	3
ARGUMENT.....	4
I. The DOJ Suggests a Standard of Review Contrary to Case Law and Common Sense.....	4
II. The DOJ Project Concerning “Legacy” Consent Decrees Sweeps Too Far in Targeting the Paramount Consent Decrees, Which Have Brilliantly Served the Motion Picture Industry.....	6
A. The DOJ’s Inadequate Inquiry Conspicuously Ignored the “Theatre-By-Theatre” Mandate, Identified by This Court as the Heart of the Paramount Consent Decrees.....	7
B. The DOJ’s Mere Incantation of “Change” in the Motion Picture Industry Is No Substitute for a Factual Inquiry Into Whether Such Change Materially Eliminates the Inclination to Antitrust Abuse.....	11
C. The Paramount Consent Decrees Call for None of the Scrutiny Sometimes Associated With Collusive and Other Problematic Consent Decrees.....	17
CONCLUSION.....	19

## TABLE OF AUTHORITIES

## Cases

<i>Admiral Theatre Corp. v. Douglas Theatre Co.</i> , 585 F.2d 877 (8th Cir. 1978).....	16
<i>Cobb Theatres III, LLC v. AMC Entmt. Holdings, Inc.</i> , 101 F.Supp.3d 1319, 1331 (N.D. Ga. 2015).....	16
<i>Don George, Inc. v. Paramount Pictures</i> , 111 F. Supp. 458 (W.D. La. 1951).....	18
<i>Patterson v. Newspaper &amp; Mail Deliverers Union</i> , 797 F. Supp. 1174 (S.D.N.Y. 1992).....	5
<i>Regal Entm't Grp. v. Iplic-Gold Class Entm't, LLC</i> , 507 S.W.3d 337 (Tex. App. 2016).....	16
<i>Rufo v. Inmates of Suffolk Cty. Jail</i> , 502 U.S. 367 (1992).....	5
<i>United States v. American Cyanamid Co.</i> , 719 F.2d 558 (2d Cir. 1983).....	6
<i>United States v. District Council of NYC and Vicinity of the United Brotherhood of Carpenters and Joiners of America</i> , 571 F. Supp. 2d 555, 557, 563 (S.D.N.Y. 2008).....	5
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<i>United States v. Paramount Pictures, Inc.</i> , 1940-1943 Trade Cas. (CCH) ¶ 56,072 (S.D.N.Y. 1940).....	19
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Independent Cinema Alliance <a href="https://www.cinemaalliance.org/">https://www.cinemaalliance.org/</a> .....	1
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Open Markets newsletter, “Lights, Camera, Monopoly: DOJ Could Revive the Studio System” (Aug. 24, 2018).....	12-13
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Wikipedia, the Free Encyclopedia, “Virtual Print Fee” .....	16

## INTERESTS OF *AMICUS* INDEPENDENT CINEMA ALLIANCE

The Independent Cinema Alliance (“ICA”) is a non-profit corporation representing 236 independent cinema companies with 2,672 screens, and growing. The ICA’s stated mission is to promote the preservation and prosperity of independent cinemas<sup>1</sup> as an essential part of a healthy motion picture industry. As an advocacy group on behalf of independent cinemas, the ICA is uniquely positioned to urge preserving the Paramount Consent Decrees, which foremost seek to protect independent cinemas. The Paramount Consent Decrees happened because the Department of Justice (“DOJ”) seven decades ago stepped into an industry rife with antitrust abuse and on behalf of independents and their patrons. As the Supreme Court declared:

The trade victims of this conspiracy have in large measure been the small independent operators. They are the ones that have felt most keenly the discriminatory practices and predatory activities in which defendants have freely indulged. They have been the victims of the massed purchasing power of the larger units in the industry. It is largely out of the ruins of the small operators that the large empires of exhibitors have been built.

*United States v. Paramount Pictures, Inc.*, 334 U.S. 131, 162 (1948).

In stark contrast, the current DOJ treats independent cinemas as inconsequential players in an industry rightly dominated by Big Production, Big Exhibition, and increasingly, Big Streamers. But independents make unique and essential contributions to a healthy motion picture industry. They are not merely incidental miniatures of the big circuits and not small businesses

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<sup>1</sup> For purposes of eligible membership in the ICA, “independent” means:

- not publicly owned or owned in whole or in part by a motion picture distributor, motion picture studio or other content supplier, including a supplier of electronic content;
- market share of domestic theatrical revenue does not exceed 2%;
- not owned in whole or in part by a national or regional circuit having a domestic theatrical revenue share of more than 2%; and
- consolidated screen count does not exceed 500 screens.

See generally Independent Cinema Alliance <https://www.cinemaalliance.org/>



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