

**From:** [REDACTED]  
**To:** [ATR-LitIII-Information](#); [REDACTED]  
**Subject:** Paramount Consent Decree comments  
**Date:** Thursday, October 4, 2018 7:00:45 PM

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Hello,

[REDACTED] two theatres in Fairfax, VA. One is a second run house, showing films after they first come out, but before they hit the home market (DVD or BLURAY). My other theatre shows first run movies that include independent and foreign language films.

I am a very small operator in a locale that includes most of the larger theatre chains.

I am submitting comments on the value of the Paramount Consent Decree. Using your suggested questions:

- your last question about existing antitrust laws (Sherman Act, FTC Commission ACT, The Clayton Act, Robinson-Patman Act) being sufficient to protect me from unfair competitive practices? I am the one that does everything regarding the operation of my theatres. I would not have the time or resources to file a lawsuit or complaint in the event one of the decrees is violated. It would be hugely troublesome and time consuming to prove such a violation. We are treated as a second class citizen most of the time - not getting timely bookings when asked for, being grouped in a different "tier" of theatres that may or may not have good grosses (ticket sales), being told logistics (shipping of film) or cost of bookkeeping contributes to why prices are set for us. Even now, we very rarely have things in writing when we ask for them (in terms of the decrees). Without them, the distributors would not have to be aware of their "singleing" us out for bad-for-us policies. When ever I think I am being taken advantage of, I ask the distributor if they are singleing me out for their action on booking films at my places. I get an immediate response and have a fruitful conversation and resolution. The provisions offer me solid protection.

- With the provisions now, we are protected from block booking which is totally unfair to be asked to play a terrible movie just to be assured of getting a better one at a later date. We are protected from distributors determining one chain of theatres getting all of their product over another chain. We had blind bidding in this state and it was hugely unfair competition - you got a film if you bid a lot of money. As a small operator, I would not be able to get any movies if the distributors could book by chain of theatres. Why would they want my business?

- With the provisions now, we are protected from clearances. I have a major chain outside of the "usual" distance considered for no clearances, and they insist on getting product first in our area or they won't play that movie at all. So, I have to wait. I consider that a clearance when there is no "substantial competition."

- I truly believe without these provisions, distributors would own theatres and play only their movies in them, leaving me out of the chance for fair competition (who builds the better mouse trap, so to

speak).

- The new world of digital has now put even more pressure on small exhibitors like me. There are some huge companies beginning to make their own movies so they can show them exclusively on their streaming platforms. We don't even get the chance to compete, so I think that is unfair competition.

Movies are a product. The Public should have access to this product on many platforms, including on the big screen at our theatres.

- Price fixing. Right now, the provisions keep distributors from setting minimum ticket prices. Without them, we would all be subject to many more "rules" for setting prices. In a city, in a competitive area (with other major chains), who the owners are, in a rural town, number of seats in the complex.... all of these could be ways to set prices. That is very uncompetitive and bad for the consumer.

- One of our greatest strengths at my theatre is the diversity of product. Without the provisions, there will be less chance of keeping this benefit for our consumers. Basically, block booking, price fixing, distributors owning theatres, clearances, booking by chain would make it impossible for me to exist.

I am all about movie going and offering many choices of films to enjoy. Without these provisions, I just can't find it possible to believe these distributors would be fair to the smaller operators in the USA. I have owned my own businesses for almost 35 years and have always found that being small is a disadvantage when competing with big corporations. I accept this. What I also think is most of the big companies out there are more concerned with crushing competition and succeeding at all costs. Again, I have no problem with this. I choose to build a better mouse trap!! But, to be successful in the exhibition industry, there must be protections when it comes to securing our product to sell... movies. The provisions came about for a good reason. Those reasons are still germane today. I am not sure I would be able to continue my business if we lose the Decree Provisions.

I implore you to please leave the Paramount Decrees in place.

Please know you may contact me at any time.

Thank you.

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