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BRYAN J. FREEDMAN

August 20, 2023

Via Electronic Mail

Kimberley D. Harris, Esq.
Executive Vice President of Comcast Corporation and General Counsel of NBCUniversal
NBCUniversal Media LLC

[REDACTED]
[REDACTED]
[REDACTED]

Re: Demand for Immediate Action

Dear Kimberley:

As you know, this firm, along with Mark Geragos, represents a significant number of cast and crew members on NBCUniversal's unscripted programming, including NBC, Bravo Media ("Bravo"), E!, and CNBC (collectively, "NBC"). We write to follow up on our letters of August 3 and 14, 2023. In our August 3 litigation hold, we notified you of our investigation, demanded that you preserve relevant evidence, and advised you that the day of reckoning had arrived. In the course of our investigation, we have not only confirmed the veracity of our initial allegations but have also discovered that the breadth and scope of your wrongdoing is greater than previously believed. We are left with the inescapable conclusion that NBC and its production partners are grappling with systemic rot for which sunlight is the first necessary remedial measure. To date, that has been impossible owing to the draconian terms of NBC's contracts with its cast and crew, which contain onerous confidentiality provisions coupled with ruinous penalties for breach. To ensure silence, NBC has been wielding these contractual terms like a sword.

In our August 14, 2023 letter, we demanded that NBCUniversal and its affiliates publicly release unscripted cast and crew from nondisclosure agreements that violate California law. You are hereby reminded that these contractual terms are unlawful. California Government Code §

Kimberley D. Harris

August 20, 2023

Page 2

12964.5 provides, in relevant part: “It is an unlawful employment practice . . . [f]or an employer to require an employee to sign a nondisparagement agreement or other document to the extent it has the purpose or effect of denying the employee the right to disclose information about unlawful acts in the workplace.” Cal. Gov’t Code § 12964.5(a)(1)(B)(i). California Government Code § 12964.5 further provides:

A nondisparagement or other contractual provision that restricts an employee's ability to disclose information related to conditions in the workplace shall include, in substantial form, the following language: “Nothing in this agreement prevents you from discussing or disclosing information about unlawful acts in the workplace, such as harassment or discrimination or any other conduct that you have reason to believe is unlawful.”

See Cal. Gov’t Code § 12964.5(a)(1)(B)(ii). It is our understanding that NBC’s contractual agreements with its unscripted cast and crew are devoid of any such language. As a result, pursuant to California law, these contracts—or, at a minimum, their confidentiality provisions—are unlawful and unenforceable. *See* Cal Gov’t Code § 12964.5(a)(2) (“Any agreement or document in violation of this subdivision is contrary to public policy and shall be unenforceable.”)

NBCUniversal has represented to the public that it requires its third-party production partners to comply with its own policies in an effort to stop harassment, discrimination, and other illegal conduct. Yet, for obvious reasons, it has turned a blind eye as these production partners enforce illegal nondisclosure agreements to hide civil and criminal wrongs. Your collective failure to comply with the law has caused hundreds or thousands of people to stay silent about unlawful workplace conduct they have witnessed or experienced, which has included: racism; sexism; sexual violence; revenge porn; child labor; forced intoxication; and psychological, emotional, and physical abuse. This culture of fear and silence is no doubt responsible, in part, for the disproportionate rate of suicide among reality tv participants.

Please be advised that this reprehensible practice must end now. NBCUniversal has two choices: lead by example or be forced into compliance. In 2019, NBC News voluntarily released its employees from the nondisclosure agreements that had prevented them from sharing their experiences of sexual harassment and discrimination. This request is no different. We trust that NBCUniversal will do the right thing.

Bear in mind, however, that you are on notice that these nondisclosure agreements are unlawful; as a result, any further efforts to enforce them for the purpose of covering up misconduct will

Kimberley D. Harris

August 20, 2023

Page 3

amount to willful violations of law. Regardless, we believe that NBCUniversal's systemic enforcement of illegal contractual provisions to cover up wrongdoing has already given rise to civil liability, which could include but is not limited to, violations of the Racketeer Influenced and Corrupt Organizations Act ("RICO").

Accordingly, we demand that NBCUniversal inform all of its unscripted employees and contractors and those affiliated with its third-party production partners, including Evolution Media, that they are all hereby released from any contractual provisions that interfere with their ability to freely disclose unlawful conduct in the workplace.

All rights are reserved without waiver of any kind.

Sincerely,



Bryan J. Freedman, Esq.

cc: Mark Geragos, Esq.
Jason H. Sunshine, Esq.
Andrew Herzig, Esq.
Samantha Davenport, Esq.