

## **DECLARATION OF AFFLECK**

1 DECLARATION OF CASEY AFFLECK

2 I, CASEY AFFLECK, declare:

3 1. I am a party to the action entitled *Amanda White v. Casey Affleck, et al.*, Los  
4 Angeles Superior Court, Case No. BC 442321. The facts set forth herein are of my own  
5 personal knowledge, and if called and sworn as a witness I could and would competently  
6 testify thereto. This Declaration is submitted in support of the Motion to Compel Arbitration  
7 filed on my behalf and on behalf of Defendant Flemmy Productions, LLC ("Flemmy  
8 Productions").

9 2. I am the director of a documentary film about the life of Joaquin Phoenix, titled  
10 *I'm Still Here: The Lost Years of Joaquin Phoenix* (the "Project"). In late December 2008,  
11 Plaintiff Amanda White was hired as a contractor by Flemmy Productions to produce aspects  
12 of the Project. Her job duties included obtaining the signatures from people working on the  
13 Project on various production documents, including releases, confidentiality agreements and  
14 agreements including arbitration provisions.

15 3. In connection with Ms. White's hire, she was required to enter into a Work-for-  
16 Hire/Independent Contractor Agreement (the "Agreement"), whereby she agreed to arbitrate  
17 all disputes involving her employment as a contractor and agreed to abide by the terms of the  
18 confidentiality clause contained therein. In mid-January, 2009, Ms. White told me that she  
19 had signed that Agreement. A true and correct copy of the Agreement is attached hereto as  
20 Exhibit A and incorporated by reference herein.

21 4. On January 17, 2009, I sent an email to Ms. White requesting that she and her  
22 friends, Devorah and Jeff, sign an Agreement containing the confidentiality provisions. A true  
23 and correct copy of my email, dated January 17, 2009 is attached hereto as Exhibit B and  
24 incorporated by reference herein.

25 5. Later on January 17, 2009, Ms. White responded to my email and indicated that  
26 she "already ha[s] signed an NDA and [D]evorah and [J]eff did last night as well." Her email  
27 continued: "I get it and respect it." A true and correct copy of Ms. White's email that I  
28 received on January 17, 2009 is attached hereto as Exhibit C and incorporated by reference

1 herein. Although Ms. White told me that the documents had been signed, and although she  
2 obtained signatures on various production documents as part of her job, while working on the  
3 Project, she held onto these documents and did not provide them to me or others working on  
4 the Project.

5         6. Ms. White alleges in her lawsuit that she was subject to unwanted and  
6 unwelcome sexual harassment, claims which are completely fabricated. Ms. White repeatedly  
7 expressed to me that she was very happy to be part of the Project. Throughout her work on  
8 the Project from late December 2008 through early April 2009, when she walked away from  
9 the Project, Ms. White never complained that she had supposedly been subjected to sexual  
10 harassment or offensive conduct. To the contrary, she repeatedly told me verbally and by  
11 email how happy she was to be part of the Project and how much she valued our professional  
12 relationship as well as our friendship. In one March 6, 2009 email from Ms. White to me she  
13 wrote: "I am really happy to be a part of this project. I do enjoy working with you and I think  
14 that most of the time, we do it well. I'm sorry for being short with you . . . ." A true and  
15 correct copy of Ms. White's email that I received on March 6, 2009 is attached hereto as  
16 Exhibit D and incorporated by reference herein.

17         7. Ms. White continued to email me after she walked away from the Project in  
18 early April 2009. In an April 6, 2009 email, she wrote, "its difficult to walk away," and  
19 indicated that she felt "a sense of responsibility about seeing the [P]roject thru." Her email  
20 continued: "I do care about our relationship, both personal and professional . . . . I wish you  
21 well with the [P]roject. I do believe in it, I thank you for the opportunity and for whatever  
22 endorsements you gave me along the way. I am happy to have been a part of it. All the best,  
23 Amanda." A true and correct copy of Ms. White's email that I received on April 6, 2009 is  
24 attached hereto as Exhibit E and incorporated by reference herein.

25         8. After Ms. White stopped working on the Project in early April 2009, I asked  
26 her to return the executed production documents that she had withheld. On April 12, 2009, I  
27 sent an email to Ms. White indicating that I was "still waiting for the production documents,"  
28 and inquired whether I could "send someone to get them" because "the documents do not

1 belong to [her]." I even offered Ms. White the option of delivering the production documents  
2 to one of my attorneys, David Weber. A true and correct copy of my email, dated April, 12,  
3 2009 is attached hereto as Exhibit F and incorporated by reference herein.

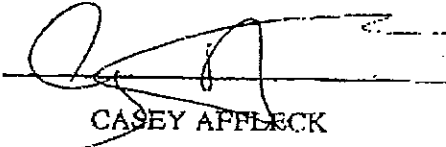
4 9. Ms. White responded to my April 12, 2009 email and indicated that she  
5 intended to "keep [the documents] until [her] deal is done." She wrote: "I would prefer to  
6 hold them in trust until we can get the matter of my deal resolved." See Ex. F. Based on Ms.  
7 White's response to me on April 12, 2009, I believed that she was attempting to use the  
8 documents as a bargaining chip to negotiate her "deal" in an attempt to return to working on  
9 the Project.

10 10. I then emailed Ms. White on April 13, 2009 and explained that "I need the  
11 signed releases and confidentiality agreements" as well as the "blank forms emailed to me." A  
12 true and correct copy of my email, dated April 13, 2009 is attached hereto as Exhibit G and  
13 incorporated by reference herein. Although Ms. White told me verbally and in writing that she  
14 signed the Agreement, she did not forward the executed Agreement to me.

15 11. On August 15, 2009, Ms. White sent me another email with the subject "Happy  
16 Birthday." In that message, she wrote, "I thought I'd reach out and wish you a happy  
17 birthday," and closed with "All the best to you and your family, Amanda." My birthday is  
18 not August 15, and I did not respond to Ms. White's message. A true and correct copy of Ms.  
19 White's email that I received on August 15, 2009 is attached hereto as Exhibit H and  
20 incorporated by reference herein.

21 I declare under penalty of perjury under the laws of the State of California that the  
22 foregoing is true and correct.

23 Executed this 27th day of July, 2010, in Tewksbury, Massachusetts.

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CASEY AFFLECK