

FADE IN:

A 1938 NEWSREEL ON SCREEN.

Video news segments follow.

A graphic appears on screen:

SPOTLIGHT on HOLLYWOOD!

ANNOUNCER (V.O.)

The Movie Event of the Century!
Gone With the Wind. Based on the
book: movie mogul David O. Selsnick
buys the rights before the book was
even published.

O'SELSNICK

It's going to be a spectacle!

ANNOUNCER

They are shooting in technicolor.
Victor Fleming to direct. And
legendary Max Steiner to score.

A pause.

Another Graphic Appears:

SEARCH for SCARLET!

ANNOUNCER (CONT'D)

Debutantes from all over the south
flock to Hollywood to audition for
the lead role in *Gone With The
Wind*.

SELSNICK

"This is no publicity stunt."

ANNOUNCER

But do any of these Southern Belles
stand a chance against Lucille Ball
and Betty Davis?

EXT. STUDIO LOT, DAY.

Girls are lined up around the outside film stage for a chance
to audition. The lineup includes a variety of amateurs.

The camera follows George Cukor on his way to work. The girls
perk up at the sight of him.

GIRL #1
Good morning!

Cukor walks past dismissively.

CUKOR
Fine, yes.

He passes another girl dressed in a Southern pageant dress.
Who curtsies and says in a thick southern twang...

GIRL #2
How do you do Mr. George?

CUKOR
Fine, yes.

Cukor's assistant opens the stage door for him.

GIRL #3 (O.S.)
Mr. Cukor!

She rushes after him. Cukor hustles to the privacy into the stage and the heavy stage door closes behind him.

Cukor looks at his assistant and frowns.

CUKOR
(exasperated)
Let's get this over with.

INT. AUDITION STUDIO

Cukor sits dejectedly. His assistant makes notes.

Bad auditions performed in front of him.

Finally Cukor has had enough.

ASSISTANT
Ok, we will continue after lunch.

The door is closed. The stage is now empty. Cukor and his assistant sit at the table.

ASSISTANT (CONT'D)
Katherine Hepburn went to see O.
Selsnick last night.

CUKOR
Oh really?

ASSISTANT

Demanded more like... She walked in and said: "I am Scarlet O'Harra, I was practically born for the part."

CUKOR

What a brat. What did he say?

ASSISTANT

"I can't imagine Rhett Butler chasing you for twelve years."

Cuckor laughs.

ASSISTANT (CONT'D)

Every actress in the world wants to be Scarlet O'Hara.

CUKOR

Yes. We are wasting our time.

ASSISTANT

Then who will be left to play Scarlet's cousin Melanie?

CUKOR

Great part.

CUT TO:

INT. DE HAVILLAND RESIDENCE

Olivia De Havilland, 21, answers the phone, as if she has just emerged from a bath after a long day of work.

OLIVIA DE HAVILLAND

Hello?

CUKOR

You don't know me, we've never met... but I'm George Cukor. I've been supervising preparations for *Gone With the Wind*.

De Havilland can't contain her excitement.

OLIVIA DE HAVILLAND

Yes, I want to play Melanie!

CUKOR

You want to play Melanie?

OLIVIA DE HAVILLAND
I want to play Melanie.

CUKOR
Then would you consent to doing
something highly illegal?

OLIVIA DE HAVILLAND
What would that be?

CUKOR
You are on contract with Warner
Brothers. We have absolutely no
right to ask you, but you would
come secretly to the studio?

A beat.

OLIVIA DE HAVILLAND
Yes.

CUKOR
See you in hour. Tell no one.
Especially not your boss.

OLIVIA DE HAVILLAND
Jack Warner will never know.

Cukor hangs up and Olivia is left alone on the line to
realize the opportunity that just presented itself. She
dances around the room for joy.

OLIVIA DE HAVILLAND (V.O.)
This was the beginning of my life
of crime. Hollywood crime, which my
mother would still disapprove.

INT. AUDITION STUDIO

CUKOR
Thank you Olivia.

ASSISTANT
You sure you don't want to play
Scarlet?

A beat.

OLIVIA DE HAVILLAND
Melanie is the true heroine of the
novel: most interesting of the two
characters... to me that is...
(MORE)

OLIVIA DE HAVILLAND (CONT'D)
her feminine qualities had to be
kept alive...

Cukor looks at his assistant speechless.

CUKOR
I need to call David.

He walks off. The Assistant silently gives Olivia the thumbs
up.

CUT TO:

INT. LAWYERS OFFICE

Olivia de Havilland sits with her agents, Phil Berg and Bert
Allenberg (Phil's the cream to Bert's coffee) and her
attorney, Martin Gang Esq., preparing for a deposition.

MARTIN GANG
So... David O. Selsnick calls Jack
Warner, head of production at
Warner Brothers, who lets you play
the part.

OLIVIA DE HAVILLAND
Not quite: Jack told him no.

A beat. The Martin Gang is confused.

OLIVIA DE HAVILLAND (CONT'D)
Then I asked Jack Warner myself.

BERT ALLENBERG
More like begged.

PHIL BERG
Begged sounds better to a jury.

OLIVIA DE HAVILLAND
I *begged* Jack.

BERT ALLENBERG
Mr. Warner.

OLIVIA DE HAVILLAND
I begged *Mr. Warner.*

MARTIN GANG
And then he let you have the part?

OLIVIA DE HAVILLAND
Not quite. I called his wife, and
asked for tea at the Brown Derby. I
explained to her what the part
meant to me.

PHIL BERG
Clever girl.

INT. THE BROWN DERBY, 1939.

Olivia walks up to Ann Warner, who sits alone at a booth.

OLIVIA DE HAVILLAND
Hello Ann. Sometimes I forget that
this is basically your restaurant,
I can never get this table.

Ann laughs as she stands up to embrace her.

ANN WARNER
Olivia, dear, so good to see you.

OLIVIA DE HAVILLAND
Ann, I need your help.

ANN WARNER
Uh, oh: if it is about my
husband...

OLIVIA DE HAVILLAND
I would never ask, but its *Gone
With the Wind*.

ANN WARNER
For *Scarlet*? I thought Bette wanted
that part.

OLIVIA DE HAVILLAND
For *Melanie*. It is like asking me
to give away the winning lotto
ticket. It is the chance of a
lifetime.

ANN WARNER
And he won't loan you out?

OLIVIA DE HAVILLAND
(with aplomb)
David asked, I asked... would you,
please, tell him what it means to
me... I'm begging you.

The waiter arrives with drinks.

INT. JACK WARNER'S OFFICE

Ann and Jack argue.

ANN WARNER

"Can you possibly think of anyone else in that role, Jack? And think of the prestige for Warner's. After all, you discovered her and made her into a star."

JACK WARNER

Honey, if I give her this. She is going to be hard to handle. She might turn into another Bette Davis.

ANN WARNER

And would that be so bad? You and your brother Henry would make so much money.

CUT TO:

INT. LAWYERS OFFICE

MARTIN GANG

And then you got the part.

BERT ALLENBERG

Jack eventually agreed when Selznick gave him a one picture deal with your boyfriend Jimmy Stuart and traded him over to Warner Brothers for a one picture deal.

OLIVIA DE HAVILLAND

It was a loan out: and at the time, Jimmy was just a friend.

MARTIN GANG

So you were "traded" for Jimmy Stewart...

BERT ALLENBERG

(interrupting)

Like chattel property: bought and sold like a slave.

MARTIN GANG

How much were you paid?

OLIVIA DE HAVILLAND

\$1000 per week.

MARTIN GANG

That's 58% of what the average American made that year.

BERT ALLENBERG

Really? Will that be a problem?

PHIL BERG

She is going to look like one very expensive slave.

OLIVA

I don't suppose we are planning a rendition of *Aida*.

MARTIN GANG

It will be to cast you traditional "labor". Especially in the press.

OLIVIA DE HAVILLAND

I see.

BERT ALLENBERG

Warner Brothers will cast you as the spoiled brat.

Oliva scowls.

MARTIN GANG

Are you married?

OLIVIA DE HAVILLAND

No. Is that relevant?

MARTIN GANG

If you were the "breadwinner" in your household, if you had dependants, it would.

BERT ALLENBERG

She is a modern independent woman.

PHIL BERG

The studio has been trying to Olivia up with every eligible bachelor they could find on the lot.

BERT ALLENBERG
Even Errol Flynn.

Martin Gang shows no reaction.

MARTIN GANG
Warner Brothers has already denied
your contractual demands.

BERT ALLENBERG
Which were very reasonable: a
modest pay raise and the right to
do one picture outside the studio
every year.

PHIL BERG
Don't forget the vacation time.
Proving that Warner Brothers
exploited you, and would continue
you to do so should be easy.

MARTIN GANG
Convincing a jury, the public, and
your peers that this fight was
necessary will be near
impossible... why don't you just go
back to work?

Olivia stands up to leave.

OLIVIA DE HAVILLAND
Well, thank you for your time.

MARTIN GANG
Where are you going?

OLIVIA DE HAVILLAND
You don't want my case.

MARTIN GANG
I am sorry if I gave you that
impression. When I asked you why
not go back, my question really is:
do you want to jeopardize your
career, everything you have earned
thus far, and your relationships
with everyone in this town?

BERT ALLENBERG
The studios will wage a vicious
public relations battle. You will
be ridiculed. Your every action
will be brought into question for
the public to judge you...

PHIL BERG
Olivia was born for that.

MARTIN GANG
This might be the most important
role you ever play. But I need to
know that you are all in: because
there cannot be any doubt...

OLIVIA DE HAVILLAND
Where do we start?

RALPH E. LEWIS
Tell me about your contract.

INT. DRESSING-ROOM, HOLLYWOOD BOWL.

1935: Alone in the ensemble dressing room. Olivia is putting
stage make up on her face.

MAX REINHARDT (O.S.)
Olivia!

Olivia looks at the clock on the desk.

OLIVIA DE HAVILLAND
I still have two minutes!

.

MAX REINHARDT
Olivia?

OLIVIA DE HAVILLAND
Yes Mr. Reinhardt?

JACK WARNER
I am Jack Warner, we are turning
this production of Midsummer
Night's Dream into a feature film
and I want to put you, Olivia, in a
Warner Brothers picture.

Olivia stops putting on stage make up and turns and looks at
Jack. He hands her a contract and a gold pen.

STAGE MANAGER (O.S.)
One minute Olivia!

Olivia signs, and hands Warner back a signed contract.

INT. LAWYERS OFFICE

MARTIN GANG

Did you even read the contract?

PHIL BERG

Too bad she didn't have good agents
back then.

Olivia thinks.

CUT TO:

INT. DRESSING-ROOM, HOLLYWOOD BOWL.

Jack examines the contract and flashes her a smile.

JACK WARNER

Break a leg.

Behind him Jack Warner leaves. Max Reinhardt gives her a
smile and a thumbs up.

MAX REINHARDT

(in a thick German accent,
to camera)

Olivia, I your director for your
Hollywood stage debut, and her film
debut. I didn't even speak English:
do you think I understood my
contract?

OLIVIA DE HAVILLAND

Oh, Mr. Warner: you forgot your
pen!

Jack peaks his head back in.

JACK WARNER

Keep it.

Olivia looks at the pen, it is engraved with the Warner
Brothers logo.

MAX REINHARDT

Showtime!

CUT TO:

INT. LAWYERS OFFICE

Olivia sighs.

OLIVIA DE HAVILLAND
I feel like and idiot.

MARTIN GANG
What was the alternative?

OLIVIA DE HAVILLAND
I didn't really have a choice. How many chances are there to be in a Hollywood picture, nonetheless at Warner Brothers!

MARTIN GANG
Do you need a contract do be an actor?

OLIVIA
I don't know.

PHIL BERG
You need a contract to be a movie star.

BERT ALLENBERG
What about independent stars like Carole Lombard?

PHIL BERG
At some point everyone has to have a contract, if you are lucky you get to renegotiate.

OLIVIA DE HAVILLAND
The introductory contracts are all the same, the studio has total control of the arrangement, even you name and image.

INT. WARNER BROTHERS STUDIO OFFICES, DAY.

Roy Obringer (R.J.) walks down a bustling corridor towards Jack Warner's office.

He passes a secretary as he approaches Jack Warner's door.

SECRETARY
He is in with someone.

Obringer looks at his watch: for a stoic and patient man, something is obviously bothering him today. Peter Knecht, his assistant, runs down the corridor to meet him.

PETER KNECHT
What is the hold up?

R.J. OBRINGER
Talent, per usual.

Jack Warner's door opens and out walks Bette Davis and her smiling agent, Martin Baum.

BETTE DAVIS
Pleasure doing business with you
Jack. Hello, R.J.

R.J. smiles politely as he and Peter storm into Jack's office.

INT. JACK WARNER'S OFFICE

Jack's office is huge. They cross the floor to meet him, Jack gloats to his assistants, Steve Trilling, and William Schaefer.

JACK WARNER
Good news boys, Bette Davis is now
running her own production company,
exclusive services to Warner Bros.

R.J. OBRINGER
If she can play nice.

JACK WARNER
Put her in charge of a movie, bet
you she plays nice: little carrot,
little stick. Bette's finally doing
her part to keep costs down.

Warner lights a cigar.

STEVE TRILLING
Not a bad way to start off the
morning.

JACK WARNER
Indeed.

R.J. Obringer drops a legal summons on Jack's desk.

R.J. OBRINGER
Olivia de Havilland is suing us.

STEVE TRILLING
Oh boy.

PETER KNECHT
For what: breach of contract?

R.J. OBRINGER
For indentured servitude.

WILLIAM SCHAEFER
Slavery? Good luck.

R.J. OBRINGER
We are going to need to hit her
hard if we want to hold the line.

PETER KNECHT
We might be better off settling.

Jack chews on his cigar and looks at Peter like he said something wrong.

JACK WARNER
Does my brother know about this
yet?

R.J. OBRINGER
If not, he will by the end of the
day, the press has it.

JACK WARNER
(mockingly)
Settling. I settle with one
actress, I have to settle with them
all... What did she want again,
Steve?

STEVE TRILLING
A new contract, but she wants to
reserve the right to do at least
one outside picture each year, so
that when a Oscar worthy... role
comes along she would be in a
position to accept.

PETER KNECHT
That's all?

R.J. OBRINGER
And vacation time... 6 months.

Jack laughs.

STEVE TRILLING

She knows Warner Bros. has been very good for her and probably in some respects it would be best to be tied up with us.

JACK WARNER

No.

PETER KNECHT

No?

JACK WARNER

No.

R.J. OBRINGER

Then what do you propose we do about her lawsuit?

Jack picks up the phone.

JACK WARNER

Stacy, get in here.

The secretary walks in.

JACK WARNER (CONT'D)

We are going to crush her. I want a memo put out to everyone. If you employ Olivia de Havilland, you are going war with Warner Brothers.

Peter shakes his head resignedly.

JACK WARNER (CONT'D)

Peter, this is the way we have to do business here. I can't have actors leeching our bottom line, how do you think we got out of the depression?

PETER KNECHT

By paying off debt.

R.J. OBRINGER

And forcing all talent to agree to a 50% pay cut when F.D.R. closed the banks.

JACK WARNER

They have to be dependent on us, top down... Roy: get a list of Picture Assignments Rejected by de Havilland.

R.J. makes a note.

WILLIAM SCHAEFER
And comparative costs for
replacement artists.

Another note.

JACK WARNER
How much suspension time has she
racked up?

R.J. OBRINGER
Six months.

STEVE TRILLING
We might be able to squeeze 2
pictures out of that.

PETER KNECHT
(sarcastically)
Why not 3?

JACK WARNER
(in agreement)
That woman owes us three pictures!
And she has been walking around
like she is better than Warner
Brothers ever since I loaned her
out to Selznick. I told my wife
this would happen! You give these
girls an inch and they will try to
take a mile.

STEVE TRILLING
I'll call our attorney's: Ralph
Lewis made Bette Davis come
crawling back, look at her now.
He's our guy.

JACK WARNER
Oh, and someone get the press
office on this right away: I want
Olivia to look horrible.

WILLIAM SCHAEFER
The petulant child treatment, right
away.

JACK WARNER
We are going to give her a good
spanking.

INT. DE HAVILLAND RESIDENCE, Kitchen

Olivia de Havilland leans on the counter-top wearing an apron listening to her friend Bette Davis.

BETTE DAVIS
So then what happened?

OLIVIA DE HAVILLAND
We went over original 1936 my contract and I told him everything that happened in my little life over the last seven years...

BETTE DAVIS
Seven years of slavery I like to call it. Then what?

OLIVIA
He said he wants to sue them under the California Labor Code.

BETTE DAVIS
Which lawyer is this?

OLIVIA DE HAVILLAND
Martin Gang.

BETTE DAVIS
Why Labor Code?

OLIVIA DE HAVILLAND
Because extensions over seven calendar years, which is the legal limit for persona service contracts should be considered indentured servitude by California Law.

BETTE DAVIS
Even for us movie stars? When I called my contract slavery, they pointed out that I made \$1350 a week. Now I make more than double that.

OLIVIA DE HAVILLAND
By the 1931 court ruling on the law, we are merely "individuals of extraordinary ability."

BETTE DAVIS
So we can be slaves like everybody else?

OLIVIA DE HAVILLAND

That's right... where are my oven mitts?

BETTE DAVIS

You know that Jack Warner's hired RALPH E. LEWIS, the same attorney who prosecuted me in 1936? He told they jury that they should "come to the conclusion that I was a rather naughty young lady, and what I really wanted was more money."

OLIVIA DE HAVILLAND

I'm sorry, that's horrible.

BETTE DAVIS

Except when Ralph says it, he has a way for translating that to "she's a whore" in legalese.

BETTE DAVIS (CONT'D)

.

OLIVIA DE HAVILLAND

The press was brutal too.

BETTE DAVIS

I'll never forget what that bastard said: "If anybody wants to put me into perpetual servitude on the basis of that remuneration, I shall prepare to consider it." Watch out for him.

A timer goes off.

BETTE DAVIS (CONT'D)

The worst part is that until I sued, I couldn't have given birth to a decent role in a decent picture at Warner Brothers.

Olivia opens the oven and smoke comes billowing out. Olivia takes a roasting pan out of the oven, its contents on fire. She throws it down on the burners and starts batting at it with a towel to no avail.

BETTE DAVIS (CONT'D)

Make way!

Bette uses the fire extinguisher to cover the oven with retardant.

BETTE DAVIS (CONT'D)

You are certainly going to scare him. Blackmail him for a decent part, none of those bitchy women they force me to play, then settle back into a new contract... That's what I did. He even gave me a raise too!

OLIVIA DE HAVILLAND

Bette, I'm not you.

BETTE DAVIS

Yeah, your can't cook.

OLIVIA DE HAVILLAND

I'm not just doing this to get my next deal at Warner's.

BETTE DAVIS

You have a six months suspension. We don't need you burning the whole house down. You could lose everything, your house...

OLIVIA DE HAVILLAND

My lawyer want's me to fight till the end.

BETTE DAVIS

Well, then they are going to crucify you. With no salary, see how long you can afford to live like you do. You won't even be able to work in a five-and dime store: it violates you seven year *slave* contract.

Bette picks at the burnt pot roast.

BETTE DAVIS (CONT'D)

Jack Warner is going to starve you.

Olivia dumps the contents of the roasting pan into the trash.

INT. THE HOLLYWOOD CANTEEN DAY

Olivia de Havilland and Bette Davis stand in an enormous empty commercial kitchen, well before the doors of the Canteen will open to soldiers. An odd cook is scrubbing in the background.

OLIVIA DE HAVILLAND
Did you talk to Jack today?

BETTE DAVIS
Yes I did.

Bette produces a flask and offers Olivia a drink.

OLIVIA DE HAVILLAND
I thought there was no alcohol in
the Hollywood Canteen.

BETTE DAVIS
We are in the empty kitchen.

She drinks. The cleaning cook seems not to notice.

OLIVIA DE HAVILLAND
(hoarsely)
What did he say?

BETTE DAVIS
Livie', I think you should drop
this.

Olivia is not sure if Bette has changed her mind.

OLIVIA DE HAVILLAND
I thought you wanted sue Warner's?

BETTE DAVIS
No, that's what he said, after he
gave me my production company.

Bette takes a drink herself.

BETTE DAVIS (CONT'D)
Jack always was a paranoid, he
thinks I am in league with you.

OLIVIA DE HAVILLAND
But you are in league with me.

BETTE DAVIS
Which is a problem for me.

OLIVIA DE HAVILLAND
I see.

BETTE DAVIS
I talked to Jules Stein, and thinks
it is a good idea if you take a
break from the Canteen for a while.

OLIVIA DE HAVILLAND
Jules Stein, super-agent, is
banning me from the Hollywood
Canteen? I know its, your baby, but
isn't the Canteen just a propaganda
piece for enlisted men anyway...

BETTE DAVIS
But its Hollywood's propaganda
piece. Everyone who works at the
Canteen has business with Warner
Brothers. Jack sent a letter out to
every studio and production company
in town. Even Mary Pickford: it
began "Dear Sir..."

Olivia laughs.

BETTE DAVIS (CONT'D)
"Dear Sir... don't hire Livie de
Havilland, or I will personally gut
you like a fish... gefilte fish..."

OLIVIA DE HAVILLAND
I thought the agents would all be
on my side, after the studio
screwed them over for all this time
that's all.

BETTE DAVIS
Livie: no one can afford to be on
your side. What you are doing
scares the *bejesus* out of everyone.
Even me, and I've been there
before.

OLIVIA DE HAVILLAND
Me versus everyone else.

BETTE DAVIS
I gave up. No one can help you now.
It is you, and everybody else.
Don't worry you can still be in the
Hollywood Canteen movie showing how
patriotic you are, if the lawsuit
is done by then.

INT. COURTROOM

Olivia de Havilland is being cross examined by Warner
Brothers' council, Ralph E. Lewis: a bully in a three piece
suit, the tones of whose every utterance thunder to the
courtroom ceiling.

RALPH E. LEWIS

Ms. De Havilland: why were you first suspended? How long was that for? Why were you suspended once more? Did you have an attitude problem? Were you jealous of actresses like Bette Davis, or Vivian Leigh... how about your sister Joan Fontaine?

Olivia is taken aback, she looks up at the judge: It is Jack Warner who smiles at her ominously.

RALPH E. LEWIS (CONT'D)

Did you think really think you were the first choice for Melanie? Do you think playing Melanie in *Gone With the Wind* made you entitled? Did you think you were going to get away with violating your contract? Were you always ungrateful to Jack Warner for taking you from a \$250 a week bit player into the star you were today?

Olivia looks at the jury box. Twelve Bette Davis's sit ignoring her.

OLIVIA DE HAVILLAND

I must be losing my marbles.

CUT TO:

INT. LAWYERS OFFICE

Martin Gang is prepping Olivia for questioning.

MARTIN GANG

Has anyone ever described you professionally as petulant, hard to work with, delusional, a 'diva', vindictive, or impossible? Which? Do you hold a grudge? Is this lawsuit part of a personal vendetta you have against Jack Warner? Are you working with an agents or studios to sabotage Warner Brothers?

OLIVIA DE HAVILLAND

Are they really going to ask that?

PHIL BERG
Vendetta: that sounds far fetched.

BERT ALLENBERG
Did we ever ask you to sabotage
Warner Brothers?

OLIVIA DE HAVILLAND
No.

PHIL BERG
Did anyone else?

OLIVIA DE HAVILLAND
Bette Davis.

PHIL BERG
Really?

Olivia smiles.

BERT ALLENBERG
That's not funny.

PHIL BERG
But it is plausible. Bette was the
first woman president of the
Academy for *christsakes*.

OLIVIA DE HAVILLAND
Bette wouldn't: she just signed a
new contract with him, and he gave
her own production company. Her
friendship with me is a problem.

MARTIN GANG
Do you want a production company
Livie?

OLIVIA DE HAVILLAND
Seems like a lot of hard work.
Bette seems not to care for it.

PHIL BERG
Some great leading ladies with
production companies: Mary
Pickford?

OLIVIA DE HAVILLAND
If it meant getting out of
Hollywood purgatory, why not?

MARTIN GANG
What do you want?

OLIVIA DE HAVILLAND
Just a fair shake, that's all. I
want to make good movies. Play good
roles. Unfortunately there's no
longer a place for me to do that at
Warner Brothers.

MARTIN GANG
Say that on the stand. Word for
word.

OLIVIA DE HAVILLAND
What about all that stuff about
slavery and all the contractual
details?

MARTIN GANG
Unless they ask for contractual
details directly, keep your answers
short and cordial.

OLIVIA DE HAVILLAND
Cordial?

MARTIN GANG
Let me make it clear the suspension
clause is slavery. They are going
to try and get a rise out of you.
So keep your answers short, direct,
and ask for a break if you need
one.

PHIL BERG
Just stay calm.

BERT ALLENBERG
No matter what.

INT. DE HAVILLAND RESIDENCE

Olivia sits at the kitchen table crying. The full spread of
industry papers, Variety, the Hollywood Reporter...

Bette Davis enters.

BETTE DAVIS
An actress out of work is
forgivable... But crying, crying is
for amateurs. Your tears are worth
a fortune.

She starts fanning her eyes.

OLIVIA DE HAVILLAND
They basically called me a whore.

BETTE DAVIS
No one pays attention to the
Foreign Press anyway. Or the
tabloids.

OLIVIA DE HAVILLAND
It's in the Daily Variety.

Bette picks up the paper.

BETTE DAVIS
"The enemy of working actors
everywhere": that's the worst.
Makes you sound like a communist...
or a facist... thats what happens
when you stop working at the
Canteen...

Olivia scowls.

CUT TO:

AGENCY OFFICE

Moments later:

Phil Berg is on the phone with Olivia, Allenberg sits on a
couch reading the paper the Olivia is mentioned in.

PHIL BERG
At least your not a communist.

BERT ALLENBERG
Even communism is better for
business then being on Jack
Warner's naughty list.

Phil shushes him.

OLIVIA DE HAVILLAND
I need to work.

PHIL BERG
You need work?

Allenberg gets up with a start.

PHIL BERG (CONT'D)
What do you mean?

BERT ALLENBERG (O.S.)
Lets send her some board games,
some knitting, or some quilting
patterns?

OLIVIA DE HAVILLAND
I want to act again.

PHIL BERG
You want to act again!

BERT ALLENBERG (O.S.)
She can't act again.

PHIL BERG
You can't act right now.

OLIVIA DE HAVILLAND
I must have offers. I know my
audience wants to see me.

PHIL BERG
Does that audience want to see you
in the third lead in some washed up
Warner Brothers picture?

OLIVIA DE HAVILLAND
No.

Allenberg takes the phone from Phil.

BERT ALLENBERG
Look Livie, no one more than we
want you to work again. We miss our
commissions, but you can't give up
now.

OLIVIA DE HAVILLAND
I just want to be successful.

BERT ALLENBERG
You want to be successful? Then
stick to the plan.

INT. DE HAVILLAND RESIDENCE, KITCHEN

Olivia hangs up the phone.

BETTE DAVIS
That sounded like it went well.

OLIVIA DE HAVILLAND
Maybe I should call David.

BETTE DAVIS

David O. Selznick? Did you hear
what your agents just said?

OLIVIA DE HAVILLAND

I would work for free for the right
part.

BETTE DAVIS

Livie, this is a bad idea. He won't
give you a role it would ruin his
relationship with Warner Brothers.
Jack would sue him.

OLIVIA DE HAVILLAND

Or I could take points on the back
end, you think they would let me do
that?

BETTE DAVIS

Or you could go back and work for
Jack Warner.

Olivia stops.

BETTE DAVIS (CONT'D)

Which is not a bad deal
considering, look where it left
me... but you're *not me*.

Olivia scoffs.

BETTE DAVIS (CONT'D)

I didn't mean it that way. You can
made a real change, for everyone. I
never had a chance, I ran away to
England and tried to pretend that
Warner Brothers wouldn't mind if I
made a little picture over there on
the side. Of course I was going to
lose. The worst part is they I had
to pay for their lawsuit, breach of
contract, out of my salary for the
next year!

OLIVIA DE HAVILLAND

You think Jack would take me back.

BETTE DAVIS

Yes, and he would treat you worse
than when you left.

(MORE)

BETTE DAVIS (CONT'D)
Remember the *Private Lives of Elizabeth of Wessex*, me made you be my lady in waiting after you just did *Gone with the Wind*: Jack can be a vindictive bastard. Worst of all, he would treat me worse too, and Bogart, and Errol... Then all the actors in all the world would look at you and say what a shame.

INT. COURTROOM

Olivia sits on the witness stand being cross examined by Warner Bros.' RALPH E. LEWIS.

RALPH E. LEWIS
Is it true on such and such a take you failed to report to play such'n'such in such'n'such a film?

Olivia blinks, stunned.

RALPH E. LEWIS (CONT'D)
Ms. De Havilland?

INTERCUT WITH:

FLASHBACK: INT. LAWYERS OFFICE

MARTIN GANG
Remember you "*declined*" not "*refused*" to take those roles. Let me argue the minutia, you just stay up there and tire him out.

INT. COURTROOM

RALPH E. LEWIS
Do you need me to repeat the question: Is this all too much for you?

With a smile:

OLIVIA DE HAVILLAND
I *declined* to take that role.

RALPH E. LEWIS
Was it assigned to you?

OLIVIA DE HAVILLAND

Yes.

RALPH E. LEWIS

Who assigned it to you?

OLIVIA DE HAVILLAND

Warner Brothers Pictures.

RALPH E. LEWIS

Was it president of Warner Brothers Studios: Jack Warner?

OLIVIA DE HAVILLAND

Yes.

RALPH E. LEWIS

Had you *refused* previous roles?

OLIVIA DE HAVILLAND

I had *declined* previous roles...

RALPH E. LEWIS

How many?

OLIVIA DE HAVILLAND

Five.

RALPH E. LEWIS

In your seven year career at Warner Brothers, you made 27 pictures. Why didn't you *refuse* any of those?

OLIVIA DE HAVILLAND

I have made 28 pictures, I beg your pardon: 25 with Warner Brothers, one with Sam Goldwyn, one with Paramount, and *Gone with the Wind*, for David O. Selznick. Except for one, the *Great Garrick*, all of which were profitable.

RALPH E. LEWIS

And why didn't you *refuse* those?

OLIVIA DE HAVILLAND

I suppose if I knew the *Great Garrick* would lose Jack Warner money, I would have declined that role as well.

RALPH E. LEWIS

Are you claiming to have better judgement over the quality of a picture than Jack Warner and his team at Warner Brothers?

OLIVIA DE HAVILLAND

Jack Warner produces great pictures, however, his taste does not have anything to do with my *declining* a picture.

Martin Gang smiles.

RALPH E. LEWIS

I have a list here of the pictures you *rejected*.

MARTIN GANG

Objection your honor: "*declined*." Ms. De Havilland has made the distinction five times now, it is now a point to which I must take issue.

JUDGE PERNEL

Sustained.

RALPH E. LEWIS

The three pictures you *declined* which have been released have been profitable. Despite that, it was costly to replace you. Did you know that during your latest suspension, the studio was supposed to pay you \$16,250 dollars a week in salary, which is ten times the average household income in this great country.

MARTIN GANG

Objection your honor, relevance to household income. Courts have already ruled that Ms. De Havilland is a laborer of extraordinary ability under contractual obligation no matter what her salary may be.

RALPH E. LEWIS

Your honor, Ms. De Havilland is paid a queens ransom every week. Goes to her...

JUDGE PERNEL

Sustained.

RALPH E. LEWIS

Mrs. De Havilland did you know it cost \$6,500 to replace you on that picture, *Animal Kingdom*.

OLIVIA DE HAVILLAND

I did not know that.

RALPH E. LEWIS

Did you know that the previous picture Ann Sheridan replaced you.

OLIVIA DE HAVILLAND

Yes, she played that part.

RALPH E. LEWIS

And that the studio had to pay \$22,857 for her services.

OLIVIA DE HAVILLAND

I did not know that.

RALPH E. LEWIS

Ann Sheridan was 16% cheaper than your salary of \$2000 per week. Did you know that?

OLIVIA DE HAVILLAND

Yes my salary was \$2000 per week at that time.

RALPH E. LEWIS

What was your salary when you started at Warner Brothers?

MARTIN GANG

Objection, in evidence.

RALPH E. LEWIS

Withdrawn... Before that, you "*declined*" a part in a picture called *Flight Angels*.

OLIVIA DE HAVILLAND

Yes.

RALPH E. LEWIS

You were suspended from February 16th, 1940 to March 23rd, 1940 for five and one-third weeks at a rate of \$1250 per week, or \$6,166 total. Yes?

OLIVIA DE HAVILLAND

Yes.

RALPH E. LEWIS

This was the second role you *declined*. So, despite your uncooperative attitude, Warner Brothers gave you a raise?

OLIVIA DE HAVILLAND

Yes.

RALPH E. LEWIS

That's generous.

MARTIN GANG

Your honor: Do I even have to?

JUDGE PERNEL

Council will refrain from testifying, opining, or editorializing...

RALPH E. LEWIS

Yes your honor. So they have doubled your salary since this incident when the studio had to pay Virginia Bruce to portray the role you *rejected*... excuse me... *declined*?

OLIVIA DE HAVILLAND

My salary has doubled, and Virginia Bruce played that part.

RALPH E. LEWIS

Did you know that Virginia Bruce was paid a whopping \$3000 per week?

OLIVIA DE HAVILLAND

I did not.

RALPH E. LEWIS

In fact the studio lost nearly \$9,000 on that picture alone because of your behavior.

MARTIN GANG

Your honor: Was that a question? It was not in Miss. De Havilland's power to cast her replacement.

RALPH E. LEWIS

Your honor: please let me rephrase... Have you ever been informed by the studio of the cost of your behavior?

MARTIN GANG

Objection: vague.

JUDGE PERNEL

Sustained.

RALPH E. LEWIS

Has anyone from Warner Brothers told you how much money your behavior has cost them?

OLIVIA DE HAVILLAND

No.

A pause. Olivia looks at her RALPH E. LEWIS, at her agents.

RALPH E. LEWIS

Do you need a break Ms. De Havilland? There will be no break to change film magazines.

OLIVIA DE HAVILLAND

Some water please.

Olivia's sister, Joan Fontaine gets up from her seat in the back and exits. We see a flashbulb from the corridor outside.

The bailiff pours her a glass.

RALPH E. LEWIS

On January 5th, of this year 1943, did you phone assistant director Eric Stacey at 5:00 AM in the morning?

OLIVIA DE HAVILLAND

Yes.

RALPH E. LEWIS

What did you discuss?

OLIVIA DE HAVILLAND
I told him I was sick.

RALPH E. LEWIS
Anything else?

OLIVIA DE HAVILLAND
He asked me to see how I felt at 7:00 AM. I told him that I would have to leave for work now to get there by 7:00. He complained that the set was already lit and it was a complicated scene. I told him that they should shoot a different scene instead.

RALPH E. LEWIS
That must have cost a pretty penny...

MARTIN GANG
Your honor: attorney is testifying.

RALPH E. LEWIS
Withdrawn. Miss. De Havilland: Doesn't the director make that kind of decision: which scene to shoot?

OLIVIA DE HAVILLAND
Yes.

RALPH E. LEWIS
So you were offering advice?

OLIVIA DE HAVILLAND
Yes.

RALPH E. LEWIS
What did you do the night before.

OLIVIA DE HAVILLAND
We had a production meeting for the picture *Animal Kingdom*.

RALPH E. LEWIS
How did that go?

MARTIN GANG
Objection.

RALPH E. LEWIS
Let me rephrase: were you happy at the outcome of the production meeting?

OLIVIA DE HAVILLAND
I was feeling ill.

RALPH E. LEWIS
Does it surprise you that other members of the crew thought you were unhappy at the result of that meeting.

OLIVIA DE HAVILLAND
No.

RALPH E. LEWIS
Why is that?

OLIVIA DE HAVILLAND
I was unhappy with the part I had been assigned.

RALPH E. LEWIS
So did you go to a doctor?

OLIVIA DE HAVILLAND
No.

RALPH E. LEWIS
Did you provide Warner Brothers with a medical report?

OLIVIA DE HAVILLAND
Do you mean a medical report from the Warner Brother's doctor?

RALPH E. LEWIS
Yes, the doctor provided to you by the studio...

OLIVIA DE HAVILLAND
No.

RALPH E. LEWIS
Was that the last project you worked on at Warner Brothers?

OLIVIA DE HAVILLAND
Yes.

RALPH E. LEWIS
Since then, have you recovered from your illness.

OLIVIA DE HAVILLAND
Yes.

RALPH E. LEWIS
Why haven't you returned to work?

Olivia smiles at Martin Gang.

OLIVIA DE HAVILLAND
Because I *declined* to work and
filed this lawsuit.

RALPH E. LEWIS
So then, were you really calling in
sick? Or were you just unhappy with
your contract?

MARTIN GANG
Objection.

RALPH E. LEWIS
This isn't grade-school, she wasn't
skipping class...

MARTIN GANG
Exactly, she is not a child: she
has a right to decline work...
whether she is sick or
dissatisfied.

JUDGE PERNEL
Please answer the question.

OLIVIA DE HAVILLAND
Both.

INT. LA COURT LADIES ROOM

Olivia walks into the bathroom. She looks at her self in the mirror and waits for the only other occupant of the bathroom, the stenographer, to leave. She looks at her self in the mirror and then relaxes into what looks like an actors exercise, making high pitched noises through pursed lips and throwing her hands above her head.

Her sister, Joan Fontaine enters the room.

JOAN FONTAINE
Intermission is almost up.

Olivia smiles then puts on her lipstick.

OLIVIA DE HAVILLAND
Tough crowd, not a laugh in the
whole house.

JOAN FONTAINE

I think you had them every time you smiled.

OLIVIA DE HAVILLAND

Who: the Ogre in the Pin-striped Vest?

Joan smiles.

JOAN FONTAINE

This is very important Livie.

OLIVIA DE HAVILLAND

That's what they keep telling me.

JOAN FONTAINE

I'm proud of you.

Olivia goes to leave.

JOAN FONTAINE (CONT'D)

Livie, they will give you the Oscar for this.

OLIVIA DE HAVILLAND

They had better give me two Joanie.

INT. COURTROOM

Olivia is back on the witness stand. This time Martin Gang is asking the question.

MARTIN GANG

Olivia: when did meet the assistant director you spoke with early that morning you were sick, Eric Stacey?

OLIVIA DE HAVILLAND

We first worked together on *Gone With the Wind*, in 1939.

MARTIN GANG

What was his job?

OLIVIA DE HAVILLAND

He was a Unit Production Manager and an Assistant Director.

MARTIN GANG

Was he the only assistant on *Gone with the Wind*.

OLIVIA DE HAVILLAND

No.

MARTIN GANG

How many were there?

OLIVIA DE HAVILLAND

There was a small army, it was the biggest movie ever made, I am not sure.

MARTIN GANG

Was Eric Stacey good at his job?

OLIVIA DE HAVILLAND

He had to be. *Gone with the Wind* was the biggest opportunity for every cast and crew member.

Martin subtly gestures for more.

Getting a part in that movie meant being part of the most important thing ever put on screen.

MARTIN GANG

How did you get the part.

OLIVIA DE HAVILLAND

I was loaned out to David O. Selznick's production company who was producing the film.

MARTIN GANG

What is a "loan out"?

OLIVIA DE HAVILLAND

Warner Brothers controlled my contract. If another wanted to cast me in a picture, like *Gone with The Wind*, they could ask Warner Brothers to loan me out.

MARTIN GANG

I see. Was *Gone with The Wind* your first loan out?

OLIVIA DE HAVILLAND

That same year I was loaned out to Sam Goldwyn for a picture called *Raffles*.

MARTIN GANG

Do you make extra money when you are loaned out?

OLIVIA DE HAVILLAND

No, the studio keeps any profit.

MARTIN GANG

After being loaned out: has your career improved.

OLIVIA

Yes.

MARTIN GANG

Why is that?

RALPH E. LEWIS

Objection!... Outside the witness' expertise?

JUDGE PERNEL

You don't sound very confident: she is a movie-star! Overruled.

MARTIN GANG

Please continue Olivia.

OLIVIA DE HAVILLAND

In my opinion: loan outs were good for two reasons. First, they were a display of increased demand by the public. Second, they gave me a chance to do roles I would not have gotten at Warner Brothers.

MARTIN GANG

What kind of roles?

OLIVIA DE HAVILLAND

Good roles.

MARTIN GANG

Do you think that Warner Brothers did not have good roles.

RALPH E. LEWIS

Objection!

JUDGE PERNEL

Really Mr. Lewis? Overuled.

OLIVIA DE HAVILLAND
Warner Brothers has both good and
bad roles, for every actor.

MARTIN GANG
What happens to an actor when they
get a bad role?

OLIVIA DE HAVILLAND
Your image suffers. Your audience
resents you for bringing them to
the theater for a lackluster
picture.

MARTIN GANG
What happens to the studio?

OLIVIA DE HAVILLAND
They still make money.

MARTIN GANG
How do they make money?

Martin Gang looks at opposing council expecting an objection,
but it doesn't come.

OLIVIA DE HAVILLAND
They can keep your wages low.

MARTIN GANG
What is "miscasting"?

OLIVIA DE HAVILLAND
When the studio gives an actor a
bad role on purpose.

MARTIN GANG
Have you ever been miscast?

RALPH E. LEWIS
Objection, speculation.

MARTIN GANG
I'll rephrase: Have you been
presented a role that you did not
want to take?

OLIVIA DE HAVILLAND
Yes. Several.

MARTIN GANG
Did you take any?

OLIVIA DE HAVILLAND
Yes. *The Private Lives of Elizabeth of Wessex*: I played Bette Davis' lady in waiting right after having made *Gone With the Wind*.

MARTIN GANG
Were you assigned that part as punishment by Jack Warner for making *Gone with the Wind*?

RALPH E. LEWIS
Objection.

MARTIN GANG
Sustained.

MARTIN GANG (CONT'D)
What happens when a producer suspends an actor?

OLIVIA DE HAVILLAND
They go without pay. And they get suspension time added to their contract.

MARTIN GANG
So you are put on furlough: differing or cutting the producer's costs?

RALPH E. LEWIS
Objection, your honor.

JUDGE PERNEL
O.K. Martin I think you have proved that these suspensions are advantageous to Ms. De Havilland's employer. Lets move on...

MARTIN GANG
Oliva: have you worked since you filled this lawsuit?

OLIVIA DE HAVILLAND
No.

MARTIN GANG
Have you had any job offers?

OLIVIA DE HAVILLAND
No.

MARTIN GANG

How come?

OLIVIA DE HAVILLAND

Because I had an exclusive contract
with Warner Brothers.

MARTIN GANG

So you couldn't work for another
studio?

OLIVIA DE HAVILLAND

No.

MARTIN GANG

How about the five and dime store?

OLIVIA DE HAVILLAND

No.

MARTIN GANG

Can you think of any alternative to
your Warner Brothers contract or
recourse for an unfair situation at
your workplace?

RALPH E. LEWIS

Objection: "unfair" your honor?

JUDGE PERNEL

Overruled.

Martin motions at Olivia.

OLIVIA DE HAVILLAND

No there is no way I will continue
working under my present contract
with Warner Brothers... so I am
suing.

POV: Warner Bros. Defense Table

R.J. OBRINGER

We lost. The judge has already made
up his mind.

JACK WARNER

We'll appeal.

INT. DE HAVILLAND RESIDENCE

De Havilland works a crossword at the kitchen table.

The phone rings.

OLIVIA DE HAVILLAND
Hello?

INTERCUT WITH:

INT. AGENCY OFFICE

PHIL BERG
Livie! You busy?

OLIVIA DE HAVILLAND
Sure: What's a four letter word for
a mountain range in Russia?

PHIL BERG
Ural.

OLIVIA DE HAVILLAND
Ah.

She fills in her crossword.

PHIL BERG
You ready to work again.

Olivia springs to her feet dropping the crossword falls on
floor.

OLIVIA DE HAVILLAND
Is it a major studio? Paramount? Or
was it Selznick again?

PHIL BERG
USO.

OLIVIA DE HAVILLAND
Is that a new studio?

PHIL BERG
The USO tour. It doesn't pay,
but... your country needs you.

OLIVIA DE HAVILLAND
I'll do it.

PHIL BERG
Great: you'll be going to the
Aleutian Islands.

OLIVIA DE HAVILLAND
Where's that?

PHIL BERG

Alaska.

OLIVIA DE HAVILLAND

Alaska, in the winter? It must of been the only gig available.

PHIL BERG

It will be great publicity. No matter which way the appeal goes. Your a star, donating your time to the troops.

OLIVIA DE HAVILLAND

Would you please find me some work when I get back?

Olivia kicks the newspaper.

BERT ALLENBERG

Livie, its Bert... we need to be realistic. Warners' appeal might be granted.

OLIVIA DE HAVILLAND

It probably will, everyone says we got lucky with Judge Parnell.

BERT ALLENBERG

Marty Gang disagrees... what worries us more is that even if we get out of your contract you might not be able to work?

OLIVIA DE HAVILLAND

Why not?

BERT ALLENBERG

Because Jack Warner has made you *persona non grata*.

OLIVIA DE HAVILLAND

I can't do USO tours for the rest of my life. What happens when the war ends? I need to make a living.

BERT ALLENBERG

Don't worry, we won't even take a commission on this one... bring us back a bear skin or something.

INT. USO STAGE

Olivia walks off stage to thunderous applause in front of a auditorium full of sailors.

NAVY M.C.

Olivia de Havilland everybody,
ain't she a kick. Autographs in the
mess after the show.

A band starts playing.

BACKSTAGE USO

An ensign brings a phone over to Olivia.

ENSIGN

Call you for you Ms. De Havilland.

OLIVIA DE HAVILLAND

Hello?

MARTIN GANG

Hello Olivia, its Martin Gang.

OLIVIA DE HAVILLAND

Hi, Martin. It is really hard to
hear you.

USO M.C.

(to Olivia)

You're on in 2 minutes.

OLIVIA DE HAVILLAND

Can I call you back?

MARTIN GANG

No Livie, I need to tell you...

OLIVIA DE HAVILLAND

I have to go back on stage soon,
they have me doing this show...

MARTIN GANG

We got the verdict: you won.

OLIVIA

What?

MARTIN GANG

You won. Warner Brothers was
denied. You contract is now void.
Congratulations.

OLIVIA DE HAVILLAND

I won!

USO M.C.

Miss de Havilland... Let's go!

CUT TO:

MARTIN GANG

Warner Brothers appealed
though...Hello?

INT. SHRINE AUDITORIUM, THE ACADEMY AWARDS, 1947.

Jack Benny, the host introduces the presenter.

JACK BENNY

Actor Ray Milland presents this year's Academy Award for Best Actress

RAY MILLAND

The Nominees are: Celia Johnson,
for Brief Encounter, Jennifer Jones
for Duel in the Sun, Rosalind
Russel in Sister Kenny, Jane Wyman
for the Yearling, and Olivia de
Havilland for Each his Own.

Jack hands Milland the envelope.

CUT TO:

MEDIUM SHOT OF JACK AND ANNE WARNER SITTING IN THE GALLERY.

In front of them Bette Davis sits, 8 months pregnant.

At the back, Bert Allenberg and Phil Berg sit whispering to one another.

PHIL BERG

Jack Warner looks like he is going
to have a heart attack.

Ray Milland opens the envelope.

RAY MILLAND

The winner is... Olivia de
Havilland!

The band plays. Olivia walks up to the stage. Shakes Ray Milland's hand, then is given her first statuette. She puts it down on the podium.

OLIVIA DE HAVILLAND

Since I value highly the profession which has instructed me, rewarded me, and permitted me my share of the world's work, it will understand and forgive me, I know, for the very great pride I feel in receiving this symbol of its approbation, one of the Awards of Merit, for my part in this past year, what has been done....

CUT TO:

PHIL BERG

That a' girl, humble as pie.

OLIVIA DE HAVILLAND

...But even in this wonderful moment my common sense reminds me quite clearly that most of the work that went into earning this award was not done by Olivia de Havilland at all, but by a big team of other people who, if justice were really to prevail, would be standing up here beside me now.

A standing ovation: Bette Davis gets up first, then Anne Warner, Jack Warner lingers in his seat till he realizes he is the only one still seated. Reluctantly he joins in applause.

BERT ALLENBERG

And fuck you too Jack Warner!

Someone laughs at Bert.

FADE TO BLACK:

TITLE: INT. 1949 ACADEMY AWARDS

We see the presenter from behind, Olivia sits in the audience

JIMMY STEWART

And the winner is: gosh, Olivia de Havilland!

Olivia walks up once again amidst thunderous applause, her agents once again cheer her on from the back.

OLIVIA DE HAVILLAND
(to camera as she walks)
I knew I had an audience, that
people were really interested in my
work, and they would go to see a
film because I was in it...

She walks by Bette Davis, Jack Warner, and up the stairs onto stage.

OLIVIA DE HAVILLAND (CONT'D)
(to camera)
...I had a responsibility ...I
couldn't bear to do indifferent
work on an indifferent film.

Shakes Stewart's hand and is given her trophy. She takes her place behind the podium microphone.

OLIVIA DE HAVILLAND (CONT'D)
(to audience)
Your last award I took as an
incentive to venture forward. Thank
you for this very generous
assurance that I have not entirely
failed to do so.

Applause.

The band plays. Olivia is led off stage by Stewart.

Fade to black.