



## **Production Delays – How long will they last and what can you do in the meantime?**

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As we settle into working from home, likely for a significant period of time, it is important to do things that may make it easier to begin production once filming is possible again. Unfortunately, no one can predict which affected areas of the world will be open to resume production first (and normal, daily life for that matter). What we do know, though, is that eventually productions will resume.

This is already the case in China, where the government shut down all production at the end of January. Some productions are already back in process with limited crew members and as of March 16, workers in film production are returning to the office. By early April, many productions are expected to resume to full capacity in China, with certain safeguards for testing.

We will come out of this period of uncertainty, it is simply a matter of when.

### **Insurance**

Independent production companies should be in contact with their insurance broker (and attorney) to review proposed policies and make sure you lock down exactly what you can get once production resumes. If there is going to be any increased premium as a result of some new infectious disease, remember to account for that in your budget. Although the situation is going to be somewhat in-flux in terms of coverage, insurers are working furiously to figure out coverages so that they are able to provide real-time updates.

If your production has a completion bond company guaranteeing production to one or more distributors, work now to determine exactly how much extra time for force majeure may be

required and the exact time period. Force majeure periods can and may be treated differently at different stages of production. For example, once principal photography on a film or television show has wrapped, the need for an extended force majeure period may be reduced substantially as post-production is typically something that is more contained.

## **Scheduling**

Work with talent representatives now to figure out potential scheduling based on when filming picks up. If you are an independent production and have an A-list star that was mid-shoot on a studio franchise tent-pole, be realistic about the timing and revise your production schedule around that timing. Have your line producer comb through the production schedule to find creative ways to reduce the amount of days for your shoot and/or use technology to the extent possible to assist.

Make a back-up plan with respect to any shooting locations in case there is insufficient capacity at your original location for filming. Although this can be difficult without being able to scout locations like one normally would, work to do as much of this as you can remotely.

## **Locking Documents That You Can**

From a legal perspective, everyone knows that there is a lot of paperwork that goes into making a film or television project. Take the time now to secure everything that you are able to on a production. Many parties in the production ecosystem are on pause right now, so this is an excellent time to do so. These items could include:

- Chain-of-title except for any rights payment that will occur at the start of production.
- To the extent that there are international distribution agreements which can be negotiated now, take the time to do so when parties are not in the chaotic state of pre-production.
- Finalize your above-the-line talent deals, leaving start dates blank.

If you have questions concerning this topic, or other areas of entertainment law, please email us at [AGEntertainmentGroup@akingump.com](mailto:AGEntertainmentGroup@akingump.com).

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