

'Modern' Warfare

**By Reg P. Wydeven
August 1, 2012**

Other than 'The Big Bang Theory,' 'Modern Family' is one of my favorite new shows. The series focuses on today's different incarnations of a nuclear family. The show's patriarch is Jay Pritchett, played by 'Married...with Children' star Ed O'Neill. Jay lives with his much-younger wife, Gloria, portrayed by Sophia Vergara, and her son, Manny.

Jay's son from his first marriage, Mitchell, is played by Jesse Tyler Ferguson. Mitchell and his partner, Cameron, played by Eric Stonestreet, have an adopted Vietnamese daughter, Lily. Jay's daughter, Julie Bowen's Claire, and her husband, Phil, played by Ty Burrell, and their three children, Haley, Alex and Luke, are the show's only "traditional" family.

The show has won numerous Emmys, including the last three for Outstanding Comedy Series. Part of the series' success is the comedic talents of its strong cast and the chemistry between them. All six of the show's stars have been nominated for Emmys, with Julie Bowen, Ty Burrell and Eric Stonestreet taking home the coveted gold statue.

Fall is right around the corner, so I'm looking forward to a new season of 'Modern Family.' Fall also signals the start of the NFL season. Many NFL stars, such as Maurice Jones Drew, are holding out of training camp, claiming their talents have outshone their contracts. 'Modern Family' fans are hoping the show's stars aren't going to follow their example.

Five of the show's stars, Vergara, Bowen, Burrell, Ferguson, and Stonestreet have sued 20th Century Fox Television, the show's production company, in Los Angeles Superior Court. In their suit, the actors allege the show's critical and financial success has been "built on a collection of illegal contracts."

According to the complaint, the stars' contracts violate the "Seven-Year Rule," a California law that prohibits an employer from contracting for personal services for more than seven years "without the right to change employers or occupations." The cast members claim their contracts with 20th Century Fox Television are personal service contracts that obligate them to shoot 'Modern Family' for more than seven years.

Hollywood insiders assert that this tactic is a popular one for actors hoping to void their contracts and negotiate for bigger paychecks. The actors who filed the suit were each reportedly paid approximately \$65,000 an episode last season. Insiders are reporting that 20th Century Fox Television has offered the stars \$150,000 an episode for the fourth season, and ratchets up to about \$325,000 an episode for the ninth season. The Hollywood Reporter, however, stated that the cast is hoping for an even bigger payday, especially for seasons at the back end of the contract.

Because all good families stick together in tough times, O'Neill joined in the lawsuit shortly after it was filed. When the show was originally cast, the role of Jay was first offered to Craig T. Nelson, who turned it down. The part fell to O'Neill, who negotiated a separate deal than the rest of the cast, receiving a reported \$105,000 an episode.

O'Neill's signing on to the lawsuit is a sign of the cast's solidarity, who are also putting forth a united front by not commenting on the suit. Thankfully, they are not following disgruntled NFL players' tactics of holding out, as they all showed up for a scheduled script table read.

If no deal can be reached, the cast can always take what Phil and Claire's teenage daughter, Haley, calls a "gap year." She describes this as a year, typically "between high school and college where you take some courses, have some life experiences, and get inspired. And, obviously, work at the Gap."

This article originally appeared in the Appleton Post-Crescent newspaper and is reprinted with the permission of Gannett Co., Inc. © 2012 McCarty Law LLP. All rights reserved.