

THE FILM ALLMAN CASE

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The Film Allman Case is the story of a film production company that experienced an accident while filming a project on location in southeast Georgia. Members of the company were a cross-functional team consisting of experienced and junior professionals from across the film industry, led by several senior film managers. Data was taken from official government reports and news sources. The decisions that the film crew made leading up to the accident, as well as the factors that contributed to those decisions, are the focus of this case study.

This case offers students the opportunity to discuss and apply organizational behavior (OB) principles and occupational health safety (OSHA) standards and to evaluate the team's decision-making process. This is a good case for the midpoint of a semester after students have become familiar with OB and HRM principles.

INTRODUCTION

Randall Miller held his head in his hands and wondered how the accident could have happened. As he told the investigating officer the details of what occurred, he heard himself speaking but his thoughts trailed as he couldn't quite believe that one of his projects had ended in tragedy. After all, he'd directed many films during his 25+ year career, and nothing like this had ever happened before. After all, nothing bad happened on the film called *CBGB* he shot in the New York subway a couple of years ago and that had included some risk. Weighing risk was a normal part of the director's job and when done well the film was all the better for it. Maybe it was just a freak accident or just a stroke of bad luck.

BACKGROUND

Randall Miller was a 40-something year old movie director who went on to act, write screenplays and direct movies after graduating with a Masters of Fine Arts from the American Film Institute in Hollywood, CA. His IMBD.com webpage (Randall Miller, n.d.) credits him with over 31 projects in which he plays various roles over the years, the more predominant of late has been in writing screenplays and directing films. He was a member of the Director's Guild of America (DGA) and the Screen Actors Guild (SAG) among other industry agencies and achieved numerous nominations and awards including winning the CINE Golden Eagle

(1990) and the Golden Knight International Film and Video Festival's Golden Knight award (1991).

Randall met his wife, Jody Savin, also an MFA graduate of the American Film Institute when they were both students there together (Jody Savin, n.d.). Savin wrote and produced films with Miller over the years and they were joint owners of Unclaimed Freight, an independent production and personal services company. Unclaimed Freight produced a number of films including *CBGB* (2013) about an iconic night club in New York City, some of which was shot in Savannah, Georgia (Unclaimed Freight, n.d.). While on location, Miller and Savin worked with Meddin Studios, a local production services company located in a former meatpacking plant. In the film industry, it was not uncommon for film projects to augment their staff and operations with local employees and organizations depending upon the project's unique requirements and available expertise.

As one of their many ventures, Miller and Savin had written an unproduced screenplay about Dennis Wilson of the famed 1960's rock group, The Beach Boys. Word of this screenplay had come to the attention of another music legend, Gregg Allman. Gregg Allman and his brother Duane were the duo that comprised the Allman Brothers. The group reached the height of their popularity in the late 60's and early 70's, when their partnership was cut short by the death of Duane in 1971, when he was killed in a motorcycle accident at age 24. Subsequent to Duane's death, the Allman Brothers were inducted into the Rock n' Roll Hall of Fame in 1995 and Gregg wrote his autobiography in 2012. Gregg had heard about the work Miller and Savin had done on The Beach Boys and he wanted them to write the screenplay and produce the film based on his book, *My Cross To Bear*. The parties came to agreement and Miller and Savin began the project.

As is common industry practice for an independent film, Miller and Savin, formed a limited liability company to handle the financial, employment and operational activities of the project. In contrast, a studio-backed film was run by the studio principals (e.g. executives at Sony Pictures or Warner Bros.), who acted as central decision makers and approval authorities regarding funding and key personnel. Miller and Savin created Film Allman, LLC and proceeded to write the screenplay, obtain investors and hire employees. The final title of the film was called *Midnight Rider*, with Miller as the director, Savin as the producer and a budget of \$5M.

Film Allman hired department heads, who in turn hired appropriate employees for their department from among qualified union employees. The film and motion picture industry is specialty- or craft-oriented and has a long history of unionization. The unionization helps ensure that training requirements and quality standards are maintained among the myriad occupations involved, including mechanics, costume

designers, cinematographers and electricians. Unionization also helps ensure healthy and fair working conditions for its members who commonly work long hours and in unique environments. Some of the unions represented on the Film Allman project included the International Brotherhood of Teamsters and the International Cinematographers Guild (OSHRC, 2015; 2014 Preventable Deaths).

The Contract Services Administration Trust Fund (CSATF) is a non-profit organization that works with industry unions and administers on a variety of programs that benefit the television and motion picture industry (“A non-profit organization.” n.d.). It is governed by and provided for by the collective bargaining agreement between the Producers, the International Alliance of Theatrical Stage Employees (I.A.T.S.E.), the Moving Picture Technicians Artists and Allied Crafts of the United States, its Territories and Canada (M.P.T.A.A.C.) as well as between the Producers and Basic Crafts Local unions. It is administered by a Board of Trustees appointed by the Alliance of Motion Picture and Television Producers (A.M.P.T.P.). The CSATF administers employment-related activities such as Employment Verification and Eligibility (i.e. I-9 Form administration), specialty job training (e.g. pyrotechnics, makeup artistry, etc.) and safety training and awareness. As part of their safety awareness program, CSATF creates and issues safety bulletins.

“Safety bulletins are researched, written, and distributed by the Industry-Wide Labor-Management Safety Committee for use by the motion picture and television industry. The Industry-Wide Labor-Management Safety Committee is composed of guild, union, and management representatives active in industry safety and health programs (“A non-profit organization,” n.d.). The safety bulletins are not binding regulations but are guidelines recommended by the Safety Committee, where federal, state and local regulations take precedent. The organization’s website states that “all industry personnel have legal and moral responsibility for safety on the set or wherever they may be working” and suggests that safety bulletins be reproduced and attached to call sheets or distributed to employees.

The safety bulletins on the CSATF website are hyperlinked PDF files that are numbered, specific by hazard and updated or created when a new danger emerges. The website also lists general safety information applicable to all environments. There is a General Code of Safe Practice for Production fact sheet, which covers topics such as electrical, vehicle, animal control and water hazards (“A non-profit organization,” n.d.). Safety bulletin #5 is another general guideline which states that safety should have the highest priority and identifies communication as one of the most effective measures to ensure a safe set (“A non-profit organization,” n.d.).

KEY FILM ALLMAN PERSONNEL

Film Allman hired the following department heads for the production phase of the project.

- Jay Sedrish, Unit Production Manager (UPM) and Executive Producer. Sedrish held a variety of film crew positions beginning in 1984 and was most known for being a producer (9 credits listed) and a unit production manager (31 credits). Some of his more recognizable jobs as UPM included *Courage Under Fire* and *Inferno* and he worked with Miller and Savin on at least two other film projects (Jay Sedrish, n.d.). The UPM is a supervisory position and in the case of this project, Sedrish was responsible for fiscal and hiring activities. Sedrish hired the Location Manager, Production Designer, and Cinematographer. He worked with Miller on *CBGB*.
- Hillary Schwartz, First Assistant Director (First AD) was hired by Miller. Schwartz's job was to prepare the shooting schedule and supervise the safety of the crew and cast members on the set (OSHRC, 2015).
- Charles Baxter, Location Manager. Baxter was responsible for scouting and securing locations for filming and he also hired an assistant location manager.
- Melissa Stewart, Production Designer
- Michael Ozier, Cinematographer
- William Hurt, actor who played the principal role of Gregg Allman. Hurt appeared in more than 98 films including, *The Big Chill* (1984), *The Incredible Hulk* (2008) and *Captain America: Civil War* (2016) (William Hurt, n.d.).
- More than 40 actors and crew, including positions such as camera assistant, hair stylist, grip, set costumer, etc.

For a glossary of standard film departments and job descriptions see the Film in Colorado website (Crew Job Titles, n.d.).

TIMELINE OF THE CASE

Miller decided that the film would be set in southeast Georgia, not far from where he had filmed some earlier projects, with filming to begin in early 2014. The screenplay for *Midnight Rider* consisted of 197 scenes and originally featured a scene involving Gregg and Duane Allman riding together on a motorcycle. In it, the brothers were delayed by a stretch of heavy traffic from road construction. The scene called for them to avoid the obstacle by riding down nearby railroad tracks but was later re-written by Miller, for reasons discussed below. The rewrite had the brothers ride through a patch of Georgia woods rather than down railroad tracks (OSHRC, 2015).

January 27, 2014

It was the location manager's job to find railroad tracks on which the scene could be filmed. Railway company, CSX Transportation (CSX) owned many railroad tracks in the Savannah area making it a natural choice for Location Manager Baxter to request their permission. Baxter sent a request to CSX to film the motorcycle scene and on January 27, 2014 received an email reply denying permission.

Dear Mr. Baxter:

Thank you for contacting us regarding filming on CSX property.

In accordance with our company protocol, CSX does not permit filming on our property. This is based on concern for the safety of those accessing and working on our railroad, security considerations, and our commitment to ensuring on-schedule train operations for the customers we serve.

Our first priority is safety. CSX strives to be a good neighbor in the communities in which we operate. We hope you understand our position, and we apologize that we are unable to accommodate your request.

(*Note: Per OSHRC (2015), Unclaimed Freight had worked on productions in the past for which CSX permitted movie and television to film on its property).

In a different scene involving railroad tracks, the screenplay depicted a wordless dream sequence that began with a close-up of the older Gregg Allman, played by Hurt:

He opens his eyes, disoriented, and looks around.

His hospital bed is in the middle of a train track. Gregg gets out of the bed in his hospital whites and bare feet. He sees a bridge ahead, a train trestle. It is twilight. On the opposite side he sees the silhouette of a person, long hair rustling in the breeze.

Gregg takes a step forward; the beauty of the image lures him. The silhouette moves to the light. It appears to be Duane but he doesn't motion, doesn't speak.

Gregg stops still. The message is clear: don't cross this bridge.

That was scene 14 and the first scene scheduled for shooting. Director Miller anticipated that the scene would last about thirty seconds in the finished film. To obtain the right lighting for the shot, Miller made the decision for creative reasons to shoot scene 14 between four and six o'clock pm "because it was the magic hour where light is pretty at that time of the day" (OSHRC, 2015).

Location Manager Baxter and his department worked with the production designer to find a location for scene 14. They were looking for "a train trestle, preferably with some interesting architectural feature, with tracks that go over water" (OSHRC, 2015). In early February 2014, a Film Allman employee performed a

Google search and found the Doctortown train trestle, located at 1300 Doctortown Road in Jessup, Georgia.

The historic Doctortown trestle spanned the Altamaha River and was the site of a Civil War battle called the Defense of Doctortown (Doctortown, n.d.). The trestle was suspended 25-30 feet over the Altamaha River and was about 13.5 feet wide. The distance between the metal train rails was about 5 feet and a narrow walkway made of grated metal ran along the right side of the bridge beam on the east side of the tracks. The width of the grated walkway was approximately 3 feet wide. Two lengths of wire cable formed a top rail and an intermediate rail above the grated walkway on the east side.

The railroad tracks leading to the trestle on the southern side of the Altamaha River ran across private property owned by Rayonier Performance Fibers, LLC. Location Manager Baxter contacted Rayonier seeking access to the trestle. He reached Rayonier's Communications Manager and she agreed to allow a group of Film Allman management employees onto Rayonier's property to scout the location.

February 7, 2014

On February 7, 2014 the Rayonier Communications Manager met Location Manager Baxter, First Assistant Director (First AD) Schwartz, Unit Production Manager (UPM) Sedrish and other Film Allman department heads at one of the gates on Rayonier's fenced property and escorted the group to the Doctortown trestle. At some point during the 30-minute visit, the Communications Manager told Film Allman's management personnel that CSX owned the railroad tracks.

February 12, 2014

On February 12, 2014 a "tech scout" was done for multiple locations used in the film.

A technical ("tech") scout is the process of physically going to each locale in the film in order to explore the suitability for filming and to uncover any challenges that would prevent using it successfully. The Director, Cinematographer and other principal project department heads typically attend the tech scout in order to discuss and assess the technical aspects of the location from their perspective. Technical scouts typically last several hours and can take as long as twelve to fourteen hours given that the crew spends 15-20 minutes at each location. When there are a lot of different locations in a film, it can take multiple days to complete. Scouting usually happens three or four days in advance of shooting in order to prepare for the things you find out during the visit. As this is part of their job responsibilities, any employees that attend the tech scout are paid (OSHRC, 2015).

Director Miller attended the tech scout with about thirty other employees of Film Allman. He decided not to conduct a tech scout of the Doctortown trestle however, because it was about a 1.5 hour drive away and at rates of \$20-\$40 per hour depending upon the employee's position, the cost seemed prohibitive (OSHRC, 2015).

February 14, 2014

Following the trestle site visit on February 7th, Location Manager Baxter and Rayonier's Communications Manager continued to correspond regarding the possibility of Film Allman shooting a scene on the CSX tracks on Rayonier's property on February 20, 2014. On Friday, February 14, 2014 at 7:14 pm, Baxter sent a CSX employee an email, which he first reviewed with First AD Schwartz and UPM Sedrish. An excerpt of the email is below:

Thank you for taking the time to try to help us with our request. *Midnight Rider* is an independent film based on the life of legendary Gregg Allman from the Allman Brothers Band. The movie will star Oscar winner William Hurt as the older Gregg.

Specifically we would like permission to access the CSX tracks with 5 people and not vehicles on Thursday, February 20, 2014 for 20 minutes between 4 and 6 pm.

We will have 15 people with us however, only 5 will need access to the tracks.

We are simply filming two actors staring at each other from approximately 50 yards apart. We will not be attaching anything to the tracks or ties.

The tracks are located on Rayonier's Jessup Mill location, 4470 Savannah Hwy., Jessup GA 31545.

The site we're requesting is just south of the Doctortown trestle on the Altamaha River.

Rayonier has embraced our film and we are staging on their property. I've cc'd their Communications Manager and I would like the opportunity to meet your Safety Inspector at the location so we can explain the request in more detail (OSHRC, 2015).

February 20, 2014

Morning

Location Manager Baxter did not receive a reply from CSX until Thursday, February 20, 2014. In the interim between sending the email message and receiving a reply, CSX was "dealing with weather-related issues...because of the crazy weather up north." President's Day fell on the Monday following Baxter's Friday email and he subsequently did not hear back until six days later on Thursday, February 20, 2014. The email reply is below.

Mr. Baxter,

I am sorry for the delay in getting back to you. Unfortunately, CSX is not able to support your request. As discussed, I do suggest that you reach out to the short line railroad as they will support filming support.

Thanks so much, it sounds like a great production.

Baxter forwarded the message to the email addresses of Miller, Savin, Sedrish, Schwartz, his Assistant Location Manager and others. Location Manager **Baxter** also discussed the email with UPM Sedrish, First AD Schwartz and Production Designer Stewart that morning. No schedule changes were made.

While Film Allman was awaiting a reply from CSX, Sedrish had conversations with his colleagues about what to do if they did not get permission. The team discussed whether they could get Miller to rewrite the scene so as not to require the train trestle and they explored other options as well. They discussed whether they could “cheat the shot” or “steal the shot.” In filming, to cheat the shot means to use camera angles to make it appear as though actors or objects are located in areas where they are not. Stealing a shot means to film where you do not have permission. The group did not establish an alternate scene location.

Afternoon

Later that day at 1:30 pm, Film Allman set out from Meddin Studios according to the call sheet with three shuttle vans of employees for the Doctortown train trestle. First AD Schwartz had scheduled the film to begin shooting in late February and today would be the day to shoot scene 14, which was also the first day of filming. Schwartz had scheduled a period of 24 or 25 days to shoot the film. One of her primary concerns with scheduling was that Hurt was only available for “a week of preparation and a week of shooting, limited to only five days during the first week of shooting” (OSHRC, 2015).

A call sheet was an information sheet given to all employees that discussed the schedule and activities for the day. The Key Second Assistant Director prepared the call sheet for February 20, 2014 under the direction of First AD Schwartz. He asked her if he should attach copies of Safety Bulletin #28: Guidelines for Railroad Safety. Schwartz initially said no but then directed her subordinate to check with UPM Sedrish, to which he replied no. Alternatively, Sedrish stated that the safety bulletin should be placed in a stack somewhere in Meddin Studios so they were available if crew members wanted to take one.

Rayonier’s Communications Manager met Film Allman employees at one of the gates to Rayonier’s property. She had arranged for their security service to unlock the gate and permit Film Allman’s employees to access the railroad tracks. The film company parked their vans, personal vehicles, trailers and equipment vehicles in

the staging area or base camp, which was east of the railroad tracks and north of the Doctortown Road (OSHRC, 2015).

After the film company arrived at the Doctortown trestle, one of the actors received a minor injury and asked for a band-aid. It was then that the Hairstylist and other crew members realized that there was no medic on set.

After everyone arrived at the site, most of the film company congregated near the railroad tracks south of the Doctortown trestle. Some employees, including UPM Sedrish and Producer Savin, remained in the staging area near the parked vehicles. Location Manager Baxter was absent from the site that day but sent his assistant instead. Director Miller began filming some shots of Hurt on the western side of the train tracks and during that time, two trains passed by, within fifteen to twenty minutes of each other.

As the trains passed by, the Hairstylist noticed that the trains were moving quickly and that the second train seemed to travel even faster than the first. A Camera Operator tried to take a video of the trains with his cell phone but couldn't capture the first train because it appeared so quickly. He was able to make a video of the second train, and as it passed he noticed that the gusts of wind coming off of the train were very strong (OSHRC, 2015).

After the second train passed, Miller and the Cinematographer walked out on to the trestle, which was the first time that the Director viewed the trestle in person. Crew members then began carrying equipment and props out on to the trestle, including the hospital bed which was placed perpendicular across the tracks. Some crew members noted that the bed was very heavy and that walking on the trestle was difficult due to the gaps between the railway ties. The camera crew had two cameras, a case of lenses, and a bag of accessories on the trestle. In all, there were 20-23 people including actors and various Film Allman personnel on the Doctortown trestle to film scene 14 (OSHRC, 2015).

As the film company prepared to shoot scene 14, several members of the cast and crew were standing on the trestle near the hospital bed, including First AD Schwartz and Actor William Hurt. Hurt asked if another train was coming and Schwartz said no. The actor followed up by asking if a train were to come how much time would they have to exit safely. Schwartz replied "Sixty seconds" to which Hurt said "That's not a lot of time." When asked what the crew members should do about the bed in the event of a train, Schwartz said, "I don't know. I guess we take it" (OSHRC, 2015).

Schwartz had received the 60 seconds information by radioing the Second AD, who was standing next to the Assistant Location Manager near the parked vehicles at base camp. The Second AD asked the Assistant Location Manager and she said that only two trains were scheduled for that day and that the cast and crew would have 60 seconds to get off the train in case another train came.

The CSX trainmaster later told the accident investigator that their rail schedules are not available to the public and that this particular railroad track probably had fifteen to twenty trains cross it between midnight and the time that Film Allman arrived to the location. He also stated that it was seldom that the line would go more than an hour or hour and a half without a train coming (OSHRC, 2015).

Before laying down on the hospital bed, Hurt asked Schwartz again if only two trains were scheduled that day and she said “Yes, but it couldn’t be confirmed.” Another crew member asked Schwartz several times what she meant and when she didn’t answer, he left the trestle and sat down on the ground near the tracks. From this position, the crew member who left the tracks was one of the first to hear a horn at approximately 4:30 pm and see a train coming around the corner. He stood up at the beginning of the bridge and yelled “Train!”

CONCLUSION

In the twilight evening hours on February, 20, 2014 a train traveling 57 miles an hour came barreling toward the trestle where the cast and crew of Film Allman stood. As the train approached, employees tried to gather their gear and equipment. It turned out that the fastest way for the crew to exit was to run the 100 feet northward toward the oncoming train in order to go down the embankment. As they struggled to move the hospital bed, it came apart when they picked it up. The bed was struck by the train sending metal poles flying. Some employees were able to get off the trestle in time, but those that couldn’t were wedged along either side of the bridge. The result was that one crew member was killed by flying debris and six others were injured, some seriously (OSHRC, 2015).

Miller, Hurt and all key managers of Film Allman survived, although they were badly shaken.

As the investigator was asking questions, the crew member who first sighted the train looked around and saw his colleagues also giving their statements. Piecing them all together would take time. He thought about what they might be saying and wondered if they knew something that he did not. How did this happen? Why did a train come when they had permission to be on the track? He pondered what things might have contributed to the accident and whether anyone could have done anything differently to prevent the death and serious injury of the crew.

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