

N I G H T I N G A L E
R E P O R T
D E A L I N G

WITH HURT PENGUINS

ROBERT BERGMAN has been making straight-to-video thriller movies for foreign distributors, and Myra Fried is a musician and actor. One day an idea erupted nearly fully formed from Myra for a feature film that they felt they had to make. A month later, in a process that Myra would probably call “karmically correct,” she presented Robert with the script for *Hurt Penguins*. He called her the next day and enthused about how terrific it was.

With a great script, Bergman and Fried were torn between making a “crash and burn” production or trying to raise a more comfortable budget of \$1.3 million. In the “crash and burn” scenario (in the \$300,000 range) they still believed they could bring their own vision to the screen. Bergman approached the foreign distributors who had financed his previous films. Some were mildly intrigued, some claimed that with “names” they would invest, and others were just not interested. Faced with no clear alternatives, the pair began the long process of filling out OFDC and Telefilm applications. They found very quickly that without a distributor their applications would not be considered.

The producers made a list of every distributor they could unearth and personally approached all of them. Then they began the call-backs, undeterred by distributors who didn’t respond, or others who had lost the script. One of these was Cinephile. Fried offered to drop another script off on a Wednesday. By Friday they were sitting in Danny Weinzwieg’s office inking a deal worth \$250,000 for world rights and a further \$100,000 for prints and advertising. It appeared that the film was really going to happen.

Now it was back to the OFDC with Weinzwieg’s letter in hand. The initial decision was to turn down the project. It was felt that there were some problems with the script, and the producers had asked for close to the OFDC maximum of \$750,000. Not ready to take “no” for an answer, Bergman and Fried asked for and got a meeting with all the key players at the agency. They were told to reapply, but with a much lower dollar request, say around \$300,000.

Then on to Telefilm. At the federal agency, the application was held up until one of the points in the distribution deal was clarified. In its initial offer, Cinephile had made the deal contingent on a sale to the First Choice network. This had seemed relatively harmless—First Choice had assured them of a sale as long as a theatrical distributor was in place. This, however, made the Cinephile deal conditional, and Telefilm would not accept it on this basis.

Some time later, the deal with Cinephile was reworked and the application was processed. But it was held up again. There was a mixed reaction to the script and not enough support

inside Telefilm to invest in the film. With this one crucial chunk of the financing still missing, Bergman and Fried were forced to adopt Plan “D.” This complex scenario called for everyone involved in the making of the film to re-invest 50 percent of their salaries. Everyone. Even the caterer owns a piece of the film. When the calculations were done, these investments totalled \$500,000, or more than one third of the budget. Although the OFDC had been aware of this fall back plan, they had encouraged the producers to raise the whole cash budget. When this appeared not to be possible, they agreed to work with them to make the film happen.

At this point there was \$250,000 from the distributor, \$400,000 from the OFDC, and \$500,000 “re-investments.” The last monies were going to come from the Ontario Film Investment Program rebate on all investments, except the money from the OFDC. Although the producers knew that the rebate would come, they could not convince a Canadian bank to lend bridge financing until this happened. Under the OFIP



HURT PENGUINS: Harriet Swan (Michele Muzzi) dealing with a crisis on the bathroom floor. Photo: RAFY

plan, the rebate comes after the film is complete, the paperwork done and all conditions approved.

However, Telefilm, whom the producers believed harboured some support for the project, came through with bridge financing at a very reasonable prime plus one. Finally, in November 1991, nearly 12 months after their initial projections for a start date, *Hurt Penguins* went before the cameras.

In retrospect, Bergman and Fried don’t believe they could reprise the making of this film. In the mixing suite, while putting the finishing touches on the film, the producers wonder how they got here. There is just a hint of exhaustion and more than just a little satisfaction.

By Debbie Nightingale