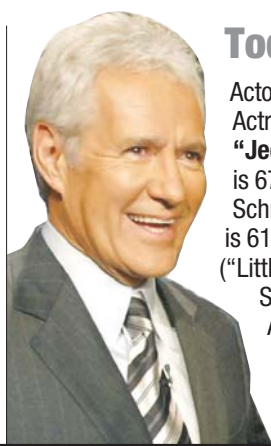


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Today's birthdays

Actor Orson Bean ("Dr. Quinn, Medicine Woman") is 80. Actress Louise Fletcher is 74. Actor Terence Stamp is 69. "Jeopardy!" host Alex Trebek is 68. Singer George Clinton is 67. Singer-actor Bobby Sherman is 65. Writer-director Paul Schrader is 62. Singer Don Henley is 61. Actor Danny Glover is 61. Comic Albert Brooks is 61. Composer Alan Menken ("Little Mermaid") is 59. Actor Willem Dafoe is 53. Singer Keith Sweat is 47. Singer Emily Saliers of the Indigo Girls is 45. Actor David Spade is 44. Actor John Leguizamo is 44. Actor Rhys Ifans is 41. Singer Rufus Wainwright is 35. Actress Franca Potente ("Run Lola Run") is 34.

Power shift

Conan O'Brien will take over "The Tonight Show" next June and what happens to deposed host Jay Leno after that is anybody's guess. Leno's last show will be Friday, May 29, and O'Brien will start the following Monday, June 1, NBC executives told a Television Critics Association meeting Monday. Former "SNL" cast member Jimmy Fallon is poised to take over O'Brien's "Late Night" in March of April.

— Associated Press

Lottery

Monday, July 21, results:

Midday Pick 3	2-8-5
Midday Pick 4	2-1-9-4
Evening Pick 3	3-4-6
Evening Pick 4	5-3-7-1
Little Lotto.....	8-14-17-29-38
	(\$100,000)
Lotto.....	14-15-20-23-31-43
	(\$2 million)

4 years later, court tosses fine

By JOANN LOVIGLIO
Associated Press

PHILADELPHIA — A federal appeals court on Monday threw out a \$550,000 indecency fine against CBS Corp. for the 2004 Super Bowl halftime show that ended with Janet Jackson's breast-baring "wardrobe malfunction."

The three-judge panel of the 3rd U.S. Circuit Court of Appeals ruled that the Federal Communications Commission "acted arbitrarily and capriciously" in issuing the fine for the fleeting image of nudity.

The 90 million people watching the Super Bowl, many of them children, heard Justin Timberlake sing, "Gonna have you naked by

the end of this song," as he reached for Jackson's bustier.

The court found that the FCC deviated from its nearly 30-year practice of fining indecent broadcast programming only when it was so "pervasive as to amount to 'shock treatment' for the audience."

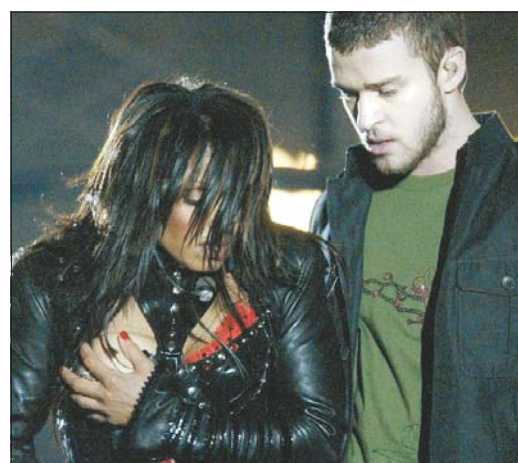
"Like any agency, the FCC may change its policies without judicial second-guessing," the court said. "But it cannot change a well-established course of action without supplying notice of and a reasoned explanation for its policy departure."

The 3rd Circuit judges — Chief Judge Anthony J. Scirica, Judge Marjorie O. Rendell and Judge Julio M. Fuentes — also ruled that

the FCC deviated from its long-held approach of applying identical standards to words and images when reviewing complaints of indecency.

"The commission's determination that CBS' broadcast of a nine-sixteenths of one second glimpse of a bare female breast was actionably indecent evidenced the agency's departure from its prior policy," the court found. "Its orders constituted the announcement of a policy change — that fleeting images would no longer be excluded from the scope of actionable indecency."

CBS said it hoped the decision "will lead the FCC to return to the policy of restrained indecency enforcement it followed for decades."



ASSOCIATED PRESS

A federal appeals court in Philadelphia on Monday threw out a \$550,000 fine issued by the FCC against CBS for Janet Jackson's infamous "wardrobe malfunction."

First the thumbs, and now both 'Ebert & Roeper' go

Associated Press

CHICAGO — Roger Ebert is leaving the balcony — but hinting that he's not finished with television.

The famed film critic announced Monday that he is cutting ties with the nationally syndicated program he and the late critic Gene Siskel made famous, a day after Richard Roeper said he was quitting the show.

In an e-mail to The Associated Press, Ebert said Disney-ABC Domestic Television, which owns "At The Movies With Ebert & Roeper," has decided to take the program in a new direction.

"I will no longer be associated with it," Ebert said.

He didn't immediately elaborate, but it was clear the Pulitzer Prize-winning Chicago Sun-Times critic wanted the show to remain as it was when he and Siskel, a fellow Chicago newspaper film critic, first hit the airwaves on PBS in 1975.

"Gene and I felt the formula was simplicity itself: Two film critics, sitting across the aisle from each other in a movie balcony, debating the new films of the week," Ebert wrote. "We developed an entirely new concept for TV."

Ebert is a copyright holder on the signature "thumbs up/thumbs down" judgment that he and Siskel made part of



ASSOCIATED PRESS

Roger Ebert, whose ability to speak has been hindered by cancer-related surgery, is cutting ties with the movie-review TV show he and Gene Siskel made a national hit in the 1980s.

each film review. Last year, as he was negotiating a new contract with Disney-ABC Domestic Television, Ebert said he had "exercised his right to withhold use of the 'thumbs' " until he had a new contract.

"The trademark still belongs to me and Marlene Iglitzen, Gene's widow, and the 'thumbs' will return," he wrote Monday. "We are discussing possibilities, and plan to continue the show's tradition."

'Jersey Boy' wows Metropolis

By EILEEN O. DADAY
Daily Herald Correspondent

After more than 650 shows of singing backup to Frankie Valli in the smash hit, "Jersey Boys," Michael Ingersoll finally got to sing lead vocals.

Turns out, he had to come out to the suburbs to do it.

On Monday, Ingersoll took a rare break from his role as one of the Four Seasons to headline his own one-man gig, called "The Long Road Home" at the Metropolis Performing Arts Centre in Arlington Heights.

"This is an extraordinary night at the Metropolis," said Executive Director Jim Jarvis as he introduced him. "One of the stars from 'Jersey Boys,' from downtown, is in our house tonight."

The cabaret style show drew a sold-out crowd, who heard him perform everything from his favorite musical theater hits to the swinging sounds of the Rat Pack — and all backed by a five-piece band.

Ingersoll opened with "Taking A Chance On Love" before moving into the smooth, "Strangers in the Night."

In between songs, he wove in stories from performing on at last year's Emmy Awards with the Jersey Boys cast, as well as many of his behind the scene glimpses from auditioning and making it as an actor.

Through it all, audience



GILBERT R. BOUCHER II/gboucher@daillyherald.com

Michael Ingersoll, left, is joined Monday night by other members of "The Jersey Boys," Jarrod Spector, Drew Gehling, and John Hickman, during Ingersoll's show at the Metropolis Performing Arts Center in Arlington Heights.

members kept waiting for Ingersoll to perform something from "Jersey Boys."

They got their wish. Three-quarters into the two-hour show, the rest of the Four Seasons — Jarrod Spector who plays Frankie, Drew Gehling who plays Bob Gaudio, and understudy John Hickman — made a surprise appearance to support their co-star. Their entrance drew a standing ovation.

"Hey, guys, it's your day off, don't you have anything better to do," quipped Ingersoll once he got over the surprise.

In their signature four-part harmony, they launched into the 1950s hit "Sh-Boom," before Ingersoll did a reverse spin, and sang lead vocals, while the other three backed him up singing Patsy Kline's "Crazy."

"You won't get this downtown," Ingersoll told the crowd.

"This is especially for you guys."

The Jersey Boys came back on stage one more time for an encore, singing the classic doo-wop number "I Wonder Why."

Although Monday's show was billed as a "one night only" opportunity, interest in Ingersoll's appearance was so strong that Metropolis officials already have booked him for a second show, at 7:30 p.m. Aug. 25.

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