

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JOSEPH ZIMMERMAN, ANTHONY
DEVITO, and SEAN DONNELLY, individually
and on behalf of all others similarly situated,

Plaintiffs,

v.

PARAMOUNT GLOBAL, COMEDY
PARTNERS and DOES 1-10,

Defendants.

MICHAEL KAPLAN, an individual on behalf
of himself and all others similarly situated,

Plaintiff,

v.

COMEDY PARTNERS, a New York general
partnership,

Defendant.

Case No. 1:23-cv-2409 (VSB)

Hon. Vernon S. Broderick

**DECLARATION OF DOUGLAS L.
JOHNSON IN SUPPORT OF
PLAINTIFFS' MOTIONS FOR
FINAL APPROVAL OF CLASS
ACTION SETTLEMENT AND
ATTORNEYS' FEES,
REIMBURSEMENT OF
LITIGATION EXPENSES, AND
SERVICE AWARDS**

Consolidated with:

Case No. 1:22-cv-09355 (VSB)

DECLARATION OF DOUGLAS L. JOHNSON

I, Douglas L. Johnson, declare as follows:

1. I am a partner at Johnson & Johnson LLP (“J&J”). I am an attorney duly admitted to practice before this Court and am a member in good standing of the State Bar of California.

2. I am one of the attorneys principally responsible for the handling of this matter at J&J. I am personally familiar with the facts set forth in this declaration. If called as a witness, I could and would competently testify to the matters stated herein.

3. I submit this Declaration in support of Plaintiffs’ Motion for Attorneys’ Fees, Reimbursement of Litigation Expenses, and Service Awards.

I. HISTORY OF THE CASE

A. Pre-Filing Investigation and Initiation of the Kaplan Class Action.

4. In or around June 2021, J&J was contacted by a representative of Plaintiff Michael Kaplan (“Kaplan”), who informed J&J that they suspected that Kaplan and other comedians (collectively, the “Artists”) who had recorded and released albums with Defendant Comedy Partners on the Comedy Central Records (“CCR”) label were not receiving all royalties owed for the exploitation of their works on SiriusXM Radio (“SiriusXM”).

5. Specifically, J&J was advised that, in or about May 2013, Comedy Central had launched Comedy Central Radio on SiriusXM channel 95, which thereafter became the exclusive SiriusXM channel on which the Artists’ works were performed. Prior to the launch of the channel, and for some time thereafter, Kaplan was paid royalties for the digital performances of his works on SiriusXM in accordance with the statutory licensing provisions of the Digital Performance in Sound Recordings Act of 1995 (“DPSRA”) (17 USC §114(f), (g)). However, beginning in or

around the first quarter of 2018, the royalties paid to Kaplan for performances of his works on SiriusXM sharply declined, despite the number of performances remaining relatively stable.

6. Following this initial contact, J&J initiated an investigation into Comedy Central's launch of its SiriusXM radio station and the royalties received by Artists prior to and following the launch. This investigation was headed by Senior Counsel of J&J, Melissa N. Eubanks and Daniel Lifshitz. Ms. Eubanks and Mr. Lifshitz analyzed licensing agreements, royalty statements, and publicly available SiriusXM digital performance data for several Artists on CCR's roster.

7. J&J's investigation confirmed that Kaplan and the other sampled Artists had been receiving royalties at per-performance rates consistent with the DPSRA statutory rates prior to the launch of the Comedy Central SiriusXM radio station in May 2013 and up to the end of 2017; however, starting in the first quarter of 2018, Kaplan's and the sampled Artists' per-performance royalty rates dwindled to 2-4% of what they previously had received and would have received on a per-performance basis if paid in accordance with DPSRA's statutory licensing rates. None of the sampled Artists had received any explanation from Comedy Partner for this drastic decline in royalties. Rather, Comedy Partner's had informed Kaplan and the other sampled Artists that their royalty rates would remain unchanged notwithstanding Comedy Central's deal with SiriusXM.

8. Kaplan thereafter filed a putative class action on November 1, 2022 (Case No. Case No. 1:22-cv-09355 (VSB)) on behalf of himself and all similarly situated Artists to recover amounts due and owing to them from Comedy Partners pursuant to agreements under which Comedy Partners licenses the right to exploit sound recordings of the Artists' works. The Kaplan Complaint asserted claims against Comedy Partners for: (1) breach of contract; (2) breach of the covenant of good faith and fair dealing; (3) money had and received; and (4) unjust enrichment.

9. The Kaplan Complaint was drafted primarily by Ms. Eubanks, with input and

consultation from myself and Daniel Warshaw and Bobby Pouya from Pearson Warshaw, LLP (“PW”). Ms. Eubanks also performed extensive legal research to develop the legal claims asserted in the Kaplan Complaint.

B. Pre-Mediation Resolution Efforts and Informal Discovery Exchange.

10. Following service of the Kaplan Complaint, Comedy Partners filed a Letter Brief with the Court indicating its intention to file a motion to dismiss the Kaplan Complaint. To respond to the Letter Brief, J&J attorneys, namely Ms. Eubanks, reviewed, analyzed, and conducted legal research on the issues raised by Comedy Partners. Ms. Eubanks and I, in conjunction with PW, also participated in several conferences with Comedy Partners’ counsel to discuss the legal and factual issues concerning the claims asserted in the Kaplan Complaint.

11. Ultimately, these discussions led the parties to agree to an informal exchange of information to evaluate early resolution. In conjunction therewith, on January 17, 2023, the parties submitted a joint request to the Court in Case No. 1:22-cv-09355 (VSB) for a short continuance of proceedings to allow the parties to explore early resolution. The Court granted this request.

12. Counsel for Kaplan and Comedy Partners thereafter began discussions regarding the scope of initial information to be provided by Comedy Partners and negotiation of a Non-Disclosure and Confidentiality Agreement (“NDA”) requested by Comedy Partners. These discussions were extensive and spanned several weeks, including the exchange of several drafts of the NDA that were reviewed and revised by myself and Ms. Eubanks in conjunction with PW.

13. On February 21, 2023, Comedy Partners provided Kaplan Counsel¹ with its initial exchange of information, consisting of a summary of revenue received by Comedy Central from SiriusXM for the period from 2013 to 2022, Kaplan spin data on SiriusXM for the same period,

¹ “Kaplan Counsel” collectively refers to J&J and PW.

and Kaplan royalty statements. Ms. Eubanks analyzed the data provided by Comedy Partners in conjunction with public information regarding DPSRA's statutory licensing rates and SiriusXM spin data. This analysis was complex and ultimately required Kaplan Counsel to enlist the assistance of consultants Darla Crain and Wayne Coleman of Armanino LLP, who specialize in music licensing and auditing of public performance royalties.

14. Following Kaplan Counsel's analysis of the initial data provided by Comedy Partners, Kaplan Counsel and counsel for Comedy Partners engaged in extensive telephone conferences and email correspondence to discuss expanding the scope of information exchanged. These discussions spanned several weeks and ultimately resulted in the parties seeking additional continuances of proceedings in Case No. 1:22-cv-09355 (VSB), which the Court granted.

15. On March 31, 2023, J&J sent Comedy Partner's counsel a list of requests for additional documents and information, which included, among other things, all direct licensing agreements between Comedy Central and SiriusXM, all accountings of revenues or other payments received by Comedy Central from SiriusXM from 2013 to present, accounting of all direct and out-of-pocket expenses associated with Comedy Central's SiriusXM station, CCR's discography, and SiriusXM spin data by title and artist for the period from 2013 to present.

16. Before Comedy Partners responded to these requests, it came to the attention of the parties that another class action had been filed on March 21, 2023, on behalf of CCR Artists, specifically *Zimmerman, et al. v. Paramount Global, et al.*, Case No. 1:23-cv-2409 (VSB). The claims asserted in the Zimmerman action parroted those asserted in the Kaplan action, with the exception of additional claims based upon alleged copyright infringement of the Artists' copyrights in the literary works underlying the sound recordings licensed by Comedy Partners.

17. The development of the Zimmerman action temporarily stalled the early resolution

efforts between Kaplan and Comedy Partners. Ultimately, counsel for all parties agreed to global mediation (in lieu of continuing independent resolution efforts) and retained the Honorable Louis Meisinger, Retired, of Signature Resolution, an experienced mediator with extensive background in the entertainment industry, to conduct a mediation on September 19, 2023.

18. In the interim, the parties continued the informal discovery exchange. From June 2023 through the late August 2023, Kaplan Counsel engaged in frequent conferences and correspondence with Comedy Partner's counsel regarding the scope of information provided by Comedy Partners. Kaplan Counsel, specifically Ms. Eubanks, spent significant hours carefully reviewing and analyzing the information provided by Comedy Partners over the course of these months to ensure that the information was sufficient to enable the parties to engage in a productive mediation, and led the meet-and-confer discussions with Comedy Partner's counsel regarding these matters. Further, since the information provided was technically sophisticated and complex, Kaplan Counsel worked closely with its consultants, Armanino, to evaluate and analyze the data.

19. In advance of the mediation, Comedy Partners ultimately produced: (1) Comedy Central's direct licensing agreements with SiriusXM; (2) recording contracts and royalty statements for each of the Class Plaintiffs for the relevant period; (3) royalty accounting statements received by Comedy Central from SiriusXM for the relevant period; (4) advertising revenue statements received by Comedy Central from SiriusXM for the relevant period; (5) SiriusXM spin data for all CCR Artists for the relevant period; (6) the total amount of royalties paid to all CCR artists from 2013 through year end 2022; and (7) a description of the methodology employed by Comedy Partners to pay Artists royalties from proceeds received by Comedy Central from SiriusXM pursuant to the direct licensing agreements. This information, which was obtained through the efforts of Kaplan Counsel, proved critical to the parties' mediation efforts and to

enabling Class Counsel² to obtain the result and settlement that ultimately was achieved.

C. Mediation and Settlement.

20. On September 19, 2023, the parties engaged in a day long, in person mediation at Signature Resolution in Los Angeles, California, before the Honorable Louis Meisinger, Retired. I lead the negotiations for J&J at the mediation. Ms. Eubanks also participated in the mediation.

21. To prepare for the mediation, Kaplan Counsel engaged in the information exchange efforts discussed above and carefully reviewed and analyzed all information provided by Comedy Partners in conjunction with its consultants Darla Crain and Wayne Coleman of Armanino. This review and analysis specifically included, among other things, computation of damages models, which were prepared by Ms. Crain, for royalties owed to the Artist Class based on the detailed SiriusXM spin data for each CCR Artist received from Comedy Partners, actual revenues received by Comedy Central from SiriusXM pursuant to their direct licensing agreements, and historical SDARS royalty rates for the period from 2013 through year end 2022.

22. In addition, Kaplan Counsel, namely Ms. Eubanks, conducted extensive legal research and analysis on the contractual and implied contractual claims supporting the damages models prepared by Armanino, and drafted the mediation brief and confidential statement submitted by Kaplan Counsel to Judge Meisinger. Attorneys at PW and I reviewed and provided revisions to the briefs and statements drafted by Ms. Eubanks before submission to the mediator. We also had several discussions with Kaplan regarding the strategy and contents of the mediation brief and statements and provided Kaplan drafts for review and input prior to submission.

23. As a result of the mediation efforts, the parties reached a settlement requiring

² Class Counsel has the same meaning as in the Court's Order Re Preliminary Approval (*Kaplan* ECF No. 51).

Defendants Paramount Global and Comedy Partners to create an \$11 million fund for the benefit of the Artists in exchange for a full release of all claims for digital performance royalties arising from the exploitation of the Artists' sound recordings on SiriusXM through December 31, 2022.

24. While key terms of the settlement were agreed upon at the mediation, significant additional work was necessary to reach agreement on the legal and technical aspects of the settlement. From October 2023 through July 2024, the parties engaged in several telephone and email discussions regarding the terms of the settlement and exchanged numerous drafts of the written settlement agreement and other settlement documents. J&J attorneys, including myself and Ms. Eubanks, spent significant time over these months reviewing and revising each draft of the settlement agreement and other documents, discussing revisions with PW and Kaplan, and negotiating the settlement terms with counsel for the Zimmerman Plaintiffs and Defendants.

D. Motion Practice Concerning Court Confirmation of the Settlement.

25. As the settlement resolves two independently filed class actions, consolidation of the Kaplan action and the Zimmerman action was necessary before proceeding with the court confirmation process. On April 22, 2024, the parties filed a joint motion to consolidate the cases. While the motion was initially drafted by Defendants' counsel, J&J attorneys, including myself and Ms. Eubanks, reviewed and provided revisions to the motion to consolidate and participated in discussions with counsel for all parties regarding the motion. We also advised Kaplan of the status of consolidation efforts and the motion practice regarding consolidation.

26. Once the cases were consolidated, the parties drafted documents required for seeking preliminary approval of the settlement. J&J attorneys, including myself and Ms. Eubanks, reviewed and provided revisions to the motion for preliminary approval, which was substantially drafted by PW, and drafted the Declaration of Neville L. Johnson that was filed with the motion,

and participated in discussions with counsel for all parties regarding the motion. We also advised Kaplan of the status of the motion and the Court's order granting preliminary approval.

27. Since the Court granted preliminary approval of the settlement on March 11, 2025, J&J has collaborated with other Class Counsel to ensure that the notice plan was properly disseminated to the Class Members, and has communicated with some Class Members about the settlement. Additionally, J&J has worked with other Class Counsel to draft counsels' motion for attorneys' fees and costs and the forthcoming motion for final approval of the settlement.

II. J&J IS A LEADER IN MUSIC ROYALTY CLASS ACTIONS

28. J&J has over four decades of relevant experience in complex class action litigation with an emphasis in protecting the rights of celebrities, actors, musicians, models, authors, athletes, and other talents in high-profile entertainment matters litigation. J&J is widely viewed as pioneers of entertainment class actions representing talent (including actors, musicians, writers, producers, directors, and others) mistreated by established studios, record labels, and unions.

29. J&J also has extensive experience and accolades in music industry litigation, including specifically lawsuits involving royalty rights in the United States. In fact, Neville Johnson has been named in *BillBoard's* List of Top Music Lawyers for 2021 – 2025, and Douglas Johnson has been named in *BillBoard's* List of Top Music Lawyers for 2024 – 2025. A detailed description of J&J and its attorneys can be found on its website at <https://www.jjllplaw.com>. Also attached here as **Exhibit A** is J&J's firm resume.

30. Some of the significant entertainment and consumer class action cases in which J&J attorneys have served as class counsel or had prominent roles include the following:

a. *Fears v. Wilhelmina, et. al.*, Case No. 02-CV-4911 (S.D.N.Y.). My firm pioneered a class action lawsuit against the major New York model agencies (including Ford

Models, Elite, Wilhelmina) on behalf of thousands of New York models for conspiring to fix model commissions and other terms in violation of the Sherman Antitrust Act. The matter resulted in an approximate \$25 million recovery for the models, including substantial reforms in the manner in which model agencies can operate. Published Decisions: *Fears v. Wilhelmina Model Agency, Inc.*, 2005 WL 1325297 (S.D.N.Y. Jun 06, 2005); *Fears v. Wilhelmina Model Agency, Inc.*, 2004 WL 594396, 2004-1 Trade Cases P 74,351 (S.D.N.Y. 2004); *Fears v. Wilhelmina Modeling Agency, Inc.*, 61 Fed. R. Evid. Serv. 1451 (S.D.N.Y. 2003). We were co-lead counsel.

b. *Ory. v. Columbia House Music Club*, U.S. District Court for the Central District of California, Case No. CV02-2342SJO. My firm was co-lead counsel in a class action lawsuit for copyright infringement against record clubs, Columbia House and BMG Direct, as a result of their 30 year practice of paying composers of musical compositions only 75% of the publishing royalties they are statutorily entitled. The matter was successful (despite that a nearly identical action was dismissed by the courts 10 years earlier), resulting in a \$6.5 million settlement for composers as well as industry reforms preventing this conduct in the future.

c. *Webb v. Directors Guild of America, Inc.*, Los Angeles Superior Court Case No. BC352621. J&J attorneys were class counsel in a class action for breach of contract and conversion which caused unpaid royalties to be paid out to all the members of the guild. The case was certified as a class action and settled for over \$5 million dollars.

d. *Osmond v. Screen Actors Guild, Inc.*, Los Angeles Superior Court Case No. BC377780. J&J attorneys were lead counsel in a class action for money had and received and conversion was certified and settled for tens of millions of dollars in unpaid royalties to be paid to the members of the guild.

e. *Richert v. Writers Guild of America West, Inc.*, Los Angeles Superior Court

Case No. BC352621. J&J attorneys were lead counsel in a class action for money had and received and conversion, which was certified in 2010. The case settled for one hundred million dollars in unpaid foreign royalties to all members of the guild.

f. *In Re: Warner Music Group Corp. Digital Download Litigation*, Case No. CV 12-0559. J&J attorneys were class counsel in a class action on behalf of recording artists and producers who alleged that the record companies have systematically underpaid royalties. The Warner case settled for \$13 million and received final approval.

g. *Colin Higgins Productions v. Universal City Studios LLC*, Los Angeles Superior Court Case No. BC499180. J&J attorneys were court-appointed class counsel in a similar class action brought against another major film studio, where the plaintiffs alleged on behalf of themselves and other profit participants that the studio failed to pay all of the money owed to them in connection with home video revenues. The case settled for \$13 million and received final approval.

h. *Colin Higgins Productions, LTD. v. Paramount Pictures Corporation*, Los Angeles Superior Court Case No. BC499179. J&J attorneys were court-appointed class counsel in a similar class action brought against another major film studio, where the plaintiffs alleged on behalf of themselves and other profit participants that the studio failed to pay all of the money owed to them in connection with home video revenues. The case was settled and received final approval.

i. *The Rick Nelson Company, LLC v. Sony Music Entertainment*, Case No. 1:18-cv-08791-LLS (United States District Court for the Southern District of New York): J&J attorneys were class counsel in a class action on behalf of recording artists who alleged that they have been systematically underpaid royalties by the record companies for foreign streaming

monies. The case settled for \$12.7 million in retrospective relief and received final approval.

j. *Risto v. Screen Actors Guild-American Federation of Television and Radio Artists et al*, U.S. District Court for the Central District of California, Case No. 2:18-CV-07241-CAS-PLA. J&J attorneys were class counsel in a class action over allegations of royalty skimming from the AFM & SAG-AFTRA Intellectual Property Rights Distribution Fund. The settlement returned more than five million dollars to class members and significantly reduced the administrative fees charged by the Fund.

III. J&J'S LODESTAR AND COSTS ARE REASONABLE

31. J&J has been working diligently on this case since June 2021 on a pure contingency basis with no guarantee of recovery.

32. As detailed above, the work performed by J&J in this class action included: (1) pre-litigation research and investigation; (2) litigation activities such as participating in strategy meetings, informal discovery, drafting and amending the Kaplan Complaint, researching and drafting oppositions to Defendant's Pre-Motion Letter Brief regarding a potential motion to dismiss; (3) settlement activities, including preparing for and attending mediation sessions, drafting the mediation briefs, negotiating, and finalizing the terms of the Settlement Agreement; (4) obtaining Court approval of the Settlement; and (5) ensuring the notice plan was disseminated correctly to the Class Members and Class Members could exercise their rights thereunder.

33. The dedicated team and qualifications of J&J attorneys who worked on this matter include:

a. **Neville L. Johnson**

Mr. Neville Johnson graduated Phi Beta Kappa from the University of California, Berkeley (1971). He received his law degree from Southwestern Law School (1975), graduating

near the top of his class. He has been a music attorney his entire career, with clients including Yoko Ono and the Estate of John Lennon, the Estate of Buddy Holly, the Estate of Rick Nelson, the Beach Boys, Fleetwood Mac, Mitch Ryder and the Detroit Wheels, the Motown songwriting team Holland-Dozier-Holland, hit songwriter Kenny Nolan, Spencer Davis, Bobby Womack, and many other recording artists, music publishers, record companies, and personal managers. Since 2021, he has been named in *BillBoard's* List of Top Music Lawyers. Mr. Johnson has tried over 28 civil jury trials and many more bench trials and arbitrations. He is a member of the invitation-only American Board of Trial Advocates (ABOTA), and has been on the Board of Governors of the Consumer Attorneys of Los Angeles (CAALA) since 2005, the Board of Directors of the national organization Public Justice, and was on the Board of Governors of the Beverly Hills Bar Association for 2013-2015 and 2020-2022 (BHBA). Mr. Johnson also is a long-time member of the invitation-only Los Angeles Copyright Society, and on the National Society of Entertainment and Arts Lawyers.

The work performed by Mr. Johnson on this matter included initial consultation with Kaplan and Kaplan's representatives; review and analyses of initial materials and data provided for pre-filing investigation; and strategic consultation with other J&J attorneys and PW throughout the course of the litigation.

b. **Douglas L. Johnson**

Mr. Douglas Johnson received his Bachelor of Arts in Political Science from the University of Southern California in 1996 (Dean's List 1993-1996), and his Juris Doctorate from McGeorge School of Law in 2000 (Dean's List 1999-2000). Mr. Johnson specializes in entertainment, business, and class action litigation. Mr. Johnson has handled numerous high-profile and wide-reaching litigation, including music and movie royalty disputes, rights of

privacy, defamation, partnership disputes, breach of contract, and class actions. Mr. Johnson was named in *BillBoard's* List of Top Music Lawyers for 2024 and 2025, and has been named a “Super Lawyer” in intellectual property litigation since 2016, representing the top 5% of attorneys in the field as voted by colleagues. Previously, Mr. Johnson was named a Super Lawyer “Rising Star” in intellectual property litigation for seven consecutive years (2005-2013), representing the top 2.5% of attorneys in Southern California for lawyers under age 40.

The work performed by Mr. Johnson on this matter included initial consultation with Kaplan and Kaplan’s representatives; review and analysis of initial materials and data provided for pre-filing investigation; drafting and review of the complaint and initial pleadings; participation in case management proceedings; participation in early settlement discussions with Defendants; review and analysis of informal discovery provided by Defendants, and consultation with engaged experts regarding the same; drafting, review, and analysis of mediation briefing; participation in mediation and negotiation of settlement; drafting, review, and analysis of settlement documents and court confirmation pleadings; strategic consultation with other J&J attorneys and PW throughout the course of the litigation; and correspondence and consultation with Kaplan throughout the course of the proceedings.

c. **Melissa N. Eubanks**

Ms. Eubanks received her Bachelor of Arts in Psychology from the University of California, Santa Cruz in 2005, and her Juris Doctor from Northwestern University Pritzker School of Law in 2010. Ms. Eubanks has extensive experience managing complex litigation, and her practice area includes, among other subject matters, complex contract disputes, civil and business torts, civil rights, publicity and defamation, trade secret misappropriation, and copyright and trademark infringement. Ms. Eubanks was recognized as an “Emerging Lawyer”

by *Leading Lawyer Network* from 2015 – 2021 and was recently named a “Super Lawyer” for Southern California in 2025.

The work performed by Ms. Eubanks on this matter included review and analysis of initial materials and data provided for pre-filing investigation; legal research and development of claims; drafting of the complaint and initial pleadings; participation in case management proceedings; participation in early settlement discussions with Defendants; review and analysis of informal discovery provided by Defendants, and consultation with engaged experts regarding the same; development of damages models in consultation with engaged experts; drafting and conducting legal research for mediation briefing; participation in mediation and negotiation of settlement; drafting, review, and analysis of settlement documents and court confirmation pleadings; strategic consultation with other J&J attorneys and PW throughout the course of the litigation; and correspondence and consultation with Kaplan throughout the proceedings.

d. **Daniel Lifschitz**

Mr. Lifschitz is a seasoned entertainment, intellectual property, and business litigator who is regularly sought out by artists, producers, record labels, studios, media outlets, and fellow practitioners for his extensive knowledge of copyright law. In addition to teaching courses on the subject for UCLA and Southwestern Law School, Mr. Lifschitz has worked on a variety of industry-leading copyright cases resulting in numerous landmark settlements, the creation of Supreme Court precedent, and the passage of major legislation by the United States Congress. Mr. Lifschitz received his B.A. in English and Political Science from Washington & Jefferson College and his J.D. from Loyola Law School in Los Angeles, where he graduated with honors from its Entertainment Law Concentration, served on the school’s *International and Comparative Law Review* as an editor and published author, and was awarded the 2012

Paul Miller Memorial Fund Scholarship by the Los Angeles Copyright Society.

The work performed by Mr. Lifschitz on this matter included initial consultation with Kaplan and Kaplan's representatives; review and analysis of initial materials and data provided for pre-filing investigation; and development of legal theories for class claims.

e. **Kris Khodaverdian**: During his time with J&J, Mr. Khodaverdian served as a law clerk. He received his Juris Doctorate from Pepperdine University, and his Bachelor of Arts from the University of Southern California. Mr. Khodaverdian assisted J&J in conducting preliminary research on the class claims, organizing data and materials received for the pre-filing investigation, and providing administrative legal support in the initial case development stage.

34. The following chart calculates the lodestar incurred by each individual biller at J&J as of May 1, 2025:

Name	Position	Hours	Hourly Rate	Lodestar
Neville L. Johnson	Senior Partner	18.70	\$1,750.00	\$32,725.00
Douglas L. Johnson	Senior Partner	109.40	\$1,400.00	\$153,160.00
Melissa N. Eubanks	Senior Counsel	191.50	\$1,250.00	\$239,375.00
Daniel Lifschitz	Partner	27.80	\$1,000.00	\$27,800.00
Kris Khodaverdian	Law Clerk	25.90	\$300.00	\$7,770.00
Total:				\$460,830.00

35. The hourly rates above are the current hourly rates for each applicable biller and are the usual and customary rates charged by each applicable biller in J&J's cases.

36. J&J periodically establishes hourly rates for the firm's billing personnel based on prevailing market rates for attorneys and law firms in Southern California that have attorneys and staff of comparable skill, expertise, and qualifications. J&J obtains information concerning market rates from other attorneys in the area that have similar experience doing similar work and from other market factors, such as published average attorney rates for the region.

37. J&J's hourly rates are regularly accepted by courts throughout the country for purposes of class action fee awards. *See, e.g., Risto v. Screen Actors Guild-American Federation of Television and Radio Artists et al*, No. 2:18-cv-07241-CAS-PLA, Dkt. 175-31 at ¶ 10 (C.D. Cal. Dec. 22, 2021) (submitting rates of \$1,000/hr. for Daniel B. Lifschitz, \$1,350/hr. for Douglas L. Johnson, and \$1,750/hr. for Neville L. Johnson), Dkt. 183 at ¶ 15 (C.D. Cal. Mar. 2, 2022) (approving fee award predicated on aforementioned hourly rates) (Snyder, J.).

38. The hours stated above were recorded contemporaneously and in one-tenth of an hour increments, and the time spent by each biller was reasonable for the work performed. Indeed, the total hours of services performed by J&J, and the rates billed for such services, are relatively low in comparison to the significant value of the settlement obtained, which represents 68% of the total damages computed and asserted for the Class claims. J&J devoted substantial time and resources to obtain this result, as described above, and its representation of the Class was on a wholly contingent basis. To date, J&J has received no compensation for the services provided.

39. In addition to the attorneys' fees described above, J&J also seeks recovered of the litigation expenses it incurred and advanced in representing the Class. The litigation costs and expenses incurred by J&J are as follows as of May 1, 2025:

Expense Type	Total
Copying	\$89.40
Filing Fees	\$600.00
Local Travel	\$46.83
Experts	\$4,000.00
Arbitrators/Mediators	\$6,058.33
Total:	\$10,794.56

40. The expenses incurred by J&J are reflected in the books and records of the firm. The books and records are prepared from expense vouchers, invoices, receipts, and other reasonable supporting records and are an accurate record of the expenses incurred.

41. All expenses were reasonably incurred and necessary to litigating this matter.

* * *

42. In my professional judgment and based on my more than 25 years of experience litigating entertainment matters, including royalty disputes and entertainment class actions, the outcome of this litigation and the recovery of 68% of total damages for the Class in an early settlement constitutes an outstanding result for the Plaintiffs and the Class Members. This outcome is the result of extensive fact investigation, sophisticated legal work by highly experienced lawyers in the subject matter area, and effective presentation of the facts and legal issues by Class Counsel leading up to and during the mediation in this matter.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed this 5th day of May 2025, in Beverly Hills, California.



Douglas L. Johnson

EXHIBIT A

JOHNSON & JOHNSON LLP

Johnson & Johnson LLP, based in Beverly Hills, California, is a litigation firm that specializes in complex litigation with a particular emphasis on entertainment, right of publicity, privacy, defamation, consumer issues, and class actions. The firm was designated and profiled as a Top Boutique in 2023 by *The Daily Journal* for entertainment litigation and copyright litigation.

Neville L. Johnson graduated Phi Beta Kappa from the University of California, Berkeley (1971). He received his law degree from Southwestern Law School (1975), graduating near the top of his class. He has been a music attorney his entire career,¹ with clients including Yoko Ono and the Estate of John Lennon, the Estate of Buddy Holly, the Estate of Rick Nelson, the Beach Boys, Fleetwood Mac, Mitch Ryder and the Detroit Wheels, the Motown songwriting team Holland-Dozier-Holland, hit songwriter Kenny Nolan, Spencer Davis, Bobby Womack, and many other recording artists, music publishers, record companies, and personal managers. He has tried over 28 civil jury trials and over at least as many civil trials without a jury and arbitrations. He is a member of the invitation-only American Board of Trial Advocates (ABOTA), and has been on the Board of Governors since 2005 of the Consumer Attorneys of Los Angeles (CAALA), the Board of Directors of the national organization Public Justice, and was on the Board of Governors of the Beverly Hills Bar Association 2013-2015 and for 2020-2022 (BHBA). Johnson is a long-time member of the invitation-only Los Angeles Copyright Society, and on the National Society of Entertainment and Arts Lawyers.

He was nominated for Trial Lawyer of the Year in 2005 by CAALA. He was Co-Chair of the Entertainment Law Section of the Beverly Hills Bar Association from 2009 to 2011. He has been on the Planning Committee of the USC Entertainment Law Institute since 2011. He has appeared in courts in Arizona, Colorado, Florida, Georgia, Hawaii, Louisiana, Nevada, New York, New Jersey, New York, Oregon, Tennessee, New Mexico, Ohio, Pennsylvania, and Texas.

Mr. Johnson has represented many well-known celebrities and entertainment concerns in a wide variety of contract, tort and IP disputes. He and his firm have been lead counsel in many class actions, including pioneering the use of class actions against studios and record labels for improperly accounting to artists regarding royalties and profit participation, obtaining multiple eight-figure settlements therefrom. Mr. Johnson has Represented many individuals in profit participation claims, including Sylvester Stallone,

¹ Except for 10 months in 1977-78 when he was a Public Defender in Los Angeles County and handled over 100 matters, including two murder trials and one attempted murder trial.

Jack Klugman, Richard Dreyfuss, Mike Connors, the Estate of Charles Bronson, the Estate of Peter Sellers, and producer Glen Larson.

Mr. Johnson has been designated a “Super Lawyers” (top 5% as voted by colleagues) numerous times and has been chosen to vet and approve nominations. Since 2020, Super Lawyers named him one of the top 100 lawyers in Southern California. He has been designated one of the Hollywood 100 “Power Lawyers” by the *Hollywood Reporter* every year since 2008. In 2020, he was moved to a new permanent category, “Legal Legend.” In 2020 he was Alumnus of the Year by the Biederman Entertainment Law Institute at Southwestern Law School. *Variety* named him numerous times among the top lawyers in entertainment. The *Daily Journal* has twice named him one of the top 50 lawyers in entertainment. *Billboard* named him a top music attorney in 2021-2023. He is a Fellow of the American Bar Foundation (invitation only, top 2% in the United States).

In 2020, Mr. Johnson and the firm obtained a \$9.6 million jury verdict after a seven week jury trial for claim of violation of the right of publicity in *Hansen v. The Coca Cola Company*, the largest verdict for a right of publicity case in the history of the United States. The trial court also awarded \$7.35 million in attorneys’ fees.

Mr. Johnson was lead trial and appellate counsel in the precedent-setting case of *Sanders v. American Broadcasting Companies, Inc.*, 20 Cal. 4th 907 (1999), which established the right of privacy in the workplace and is studied in the leading case book on torts and the two casebooks on entertainment law. *Editor and Publisher* magazine wrote that he “is one of the most dangerous media plaintiff lawyers in the United States.”

Privacy Torts, the leading treatise on privacy law by Professor David Elder, contains the following dedication: *To Neville L. Johnson...who has led the charge, often successfully (and always creatively and with great passion) in exposing some of the worst outrages of media newsgathering. Neville ranks with Brandeis and Warren as the great defenders of privacy. All America is in his debt.*

A law review article about his career is Richard and Calvert, “Suing the Media, Supporting the First Amendment: the Paradox of Neville Johnson and the Battle for Privacy,” 67 *Albany Law Review* 1097 (2004). On June 23, 2015, the *Los Angeles Times* did a major profile (front page, Business Section) on his career, “Contract Sport, 'Go-to' L.A. Lawyer Says Hollywood Studios Are Shortchanging His Clients,” noting that Johnson & Johnson is one of the few firms successfully taking on the entertainment establishment on a regular basis. The cover story of the July 2016, issue of *Attorney at Law* magazine was about Neville Johnson.

His published cases include: *Parsons v. Tickner*, 31 Cal.App.4th 1513 (1995) (establishing fiduciary duties in an entertainment context); *Gerbosi v. Gaims, Weil, West & Epstein LLP*, 193 Cal.App.4th 435 (2011) (upholding denial of SLAPP motion and affirming sanctions against lawyers accused of unethical conduct in connection with notorious wiretapper Anthony Pellicano); *Kihn v. Bill Graham Archives, LLC*, 445 F. Supp. 3d 234 (N.D. Cal. 2020). (certifying first ever class action under 17 U.S.C. § 1101(a) for anti-bootlegging violations, as well as for copyright infringement); *Simmons v. Bauer Media Grp. USA, LLC*, 50 Cal. App. 5th 1037, 263 Cal. Rptr. 3d 903 (2020) (upholding denial of anti-SLAPP motion brought by a media defendant that hired a private detective who illegally planted a GPS tracker on Richard Simmons' vehicle).

He is a frequent lecturer and has written extensively on entertainment, copyright and media and other legal topics, including in London, England (Entertainment attorneys based in the UK, London Branch of Entertainment Section of BHBA), Cannes, France (MIDEM, the international music convention), New York (ABA Forum on Communications Section, and Entertainment Law Section and New York Bar Assn.: Entertainment Law Section), Nashville and Las Vegas (ABA Entertainment Law Section), Miami, Loyola Law School, Southwestern Law School, USC Entertainment Law Institute annual forum (three times) as well as the undergraduate school, California Western Law School, California State University, Northridge, Arizona State University, Stanford University, U.C. Berkeley and many times to the Entertainment Section of the BHBA as a panelist or moderator), the Intellectual Property Section of Los Angeles County Bar Assn., and Berklee College of Music (Boston), the Los Angeles Copyright Society, and the California Copyright Society.

Publications:

Johnson & Johnson, "Surveying *Warhol* and *Jack Daniel's* Six Months Out: How The Supreme Court's Marquee IP Decisions Of 2023 Have Impacted The Lower Court Landscape," *New York State Bar Assn, Entertainment, Arts and Sports Law Journal* (2024).

Johnson & Johnson, "Proving Copyright Access In An On-Demand World," *New York State Bar Assn, Entertainment, Arts and Sports Law Journal* (2023).

Johnson & Johnson, "The Troubling Trend of Online Exceptionalism to Copyright's Separate Accrual Rule," *New York State Bar Assn, Entertainment, Arts and Sports Law Journal* (2023).

Johnson & Johnson, “The Second and Ninth Circuits Diverge on Copyright Law's Discovery Rule,” *New York State Bar Assn, Entertainment, Arts and Sports Law Journal* (2022).

Johnson & Johnson, “The Top 3 Copyright Law Developments of 2022 (So Far),” *New York State Bar Assn, Entertainment, Arts and Sports Law Journal* (2022).

Johnson & Johnson, “Recent Developments in Entertainment Law: Defamation, Jurisdiction, Copyright and Talent Contest Agreements,” *New York State Bar Assn, Entertainment, Arts and Sports Law Journal* (2021).

Johnson & Johnson, “Copyright Developments in 2020,” *New York State Bar Assn, Entertainment, Arts and Sports Law Journal* (2021)

Johnson & Johnson, “Say Goodbye to the Backend,” *New York State Bar Assn, Entertainment, Arts and Sports Law Journal* (2021)

Johnson & Johnson, “3 More Music Litigation Developments in 2020-2021,” *Los Angeles Daily Journal* (Sept. 16, 2021).

Johnson & Johnson, “3 Music Litigation Developments in 2020-2021,” *Los Angeles Daily Journal* (Sept. 16, 2021).

Johnson & Johnson, “Black Widows: Scarlett Jo v Disney,” *Los Angeles Daily Journal* (August 6, 2021)

Johnson & Johnson, “Recent Developments in the Right of Privacy,” *Los Angeles Daily Journal* (July 22, 2021)

Johnson & Johnson, “Pandemic-Era Take on Arbitration Issues,” *Los Angeles Daily Journal* (April 22, 2021)

Johnson & Johnson, “The Immediate Future Of Jury Trials,” *Advocate* (2021)

Johnson & Johnson, “Recent Developments in Copyright Law,” *Los Angeles Daily Journal* (August 17, 2020)

Johnson & Johnson, “Covid 19 and Film Production,” *Los Angeles Daily Journal* (July 13, 2020)

Johnson & Johnson, “Interesting Cases, Part 3, and Resuming Production During COVID-19,” *New York State Bar Assn, Entertainment, Arts and Sports Law Journal* (2020)

Johnson & Johnson, “Trending: Data Privacy, Copyright Trolling, and a Clause to Keep in Mind,” *New York State Bar Assn, Entertainment, Arts and Sports Law Journal* (2020)

Johnson & Johnson, “Hollywood Docket: Recent Interesting Cases,” *New York State Bar Assn, Entertainment, Arts and Sports Law Journal* (2020)

Johnson, Johnson, Smolla and Tweed, “Defamation and Invasion of Privacy in the Internet Age,” *25 Southwestern Journal of International Law* 9 (2019)

Johnson & Johnson, “Trouble in Tinsel Town,” *Los Angeles Daily Journal* (April 23, 2019)

Johnson & Johnson, “My Big Mouth: When do Legal Communications Result in Liability,” *New York State Bar Assn, Entertainment, Arts and Sports Law Journal* (2019)

Johnson & Johnson, “My Big Mouth,” *Advocate* (December 2019)

Johnson & Johnson, “My Big Mouth,” *Los Angeles Daily Journal* (March 29, 2019)

Johnson & Johnson, “Entertainment Contracts with Minors in New York and California,” *New York State Bar Assn, Entertainment, Arts and Sports Law Journal* (2019)

Johnson & Johnson, “A New Way to Revive a Corporation?,” *Los Angeles Daily Journal* (October 18, 2016)

Johnson & Johnson, “Protecting Our Clients in the Film Industry,” *New York State Bar Assn, Entertainment, Arts and Sports Law Journal* (2017)

Johnson & Johnson, “Reversions: Issues and Obstacles,” *New York State Bar Assn, Entertainment, Arts and Sports Law Journal* (2017)

Johnson & Johnson, “Social Media, the Law, and You,” *New York State Bar Assn, Entertainment, Arts and Sports Law Journal* (2016)

Johnson & Johnson, “Hollywood Docket: One Sided World,” *New York State Bar Assn, Entertainment, Arts and Sports Law Journal* (2016)

Johnson & Elder, “Maybe America Needs More Peter Thiels,” *Los Angeles Daily Journal* (August 8, 2016)

“We’ve Lost Control,” *Los Angeles Daily Journal* (June 16, 2016)

“Talent Agency Act Survives Suit, Clarity Remains Elusive,” *Los Angeles Daily Journal* (May 10, 2013)

“The Man Who Seduced Hollywood,” 36 *Los Angeles Lawyer* 41 (September 2013)

“Remedies for Web Defamation,” *California Lawyer* 36 (May 2013)

“To Find Employment as a Lawyer, You Must Market Yourself,” 36 *Los Angeles Lawyer* 12 (June 2013)

“Ten Rules for Success in the Practice of Law, 31 *Los Angeles Lawyer* 12 (June 2008)

Chapter, Johnson and Aradi, “Defamatory Tweeting and Other Name and Likeness Violations” in Building Your Artist’s Brand as a Business, *International Association of Entertainment Lawyers* (2012) (includes a discussion of right of publicity)

Chapter, Johnson and Fowler, “Litigation: How to Draft Defensively Without Killing the Deal” in Licensing of Music from BC to AD (Before the Change/After Digital), *International Association of Entertainment Lawyers* (2014)

Elder, Johnson & Rishwain, “Establishing Constitutional Malice for Defamation and Privacy/False Light Claims When Hidden Cameras and Deception Are Used by the Newsgatherer,” 22 *Loyola of Los Angeles Entertainment Law Review* 327 (2002)

“New Developments in California Privacy and Defamation Law,” 23 *California Litigation* 21 (2010)

Johnson & Johnson, “What Happened to Unjust Enrichment in California? The Deterioration of Equity in the California Courts,” 44 *Loyola of Los Angeles Law Review* 277 (2010)

Johnson & Walsh, “The Danger of “Anti-Libel Tourism” Litigation in the United States, 32 *Los Angeles Lawyer* 44 (December 2009)

Johnson, “Privacy and the First Amendment”, *California Litigation* (2006)

co-author “Caught in the Act,” *Los Angeles Lawyer* (1998) (an analysis of trends in the right of privacy)

Johnson & Lang, 1979, The Personal Manager in the California Entertainment Industry, *52 Southern California Law Review* 375 (1979)

Co-author chapters on music publishing and personal managers in *The Musician's Business & Legal Guide* (2017 5th edition), and wrote the authorized and best-selling biography, *The John Wooden Pyramid of Success* (Second Edition 2004), and *Woodenisms* (2016), quotes of John Wooden.

Since 2012, Neville and Douglas Johnson have taught Entertainment and Media Litigation as Adjunct Professors at Southwestern School of Law. From 2011-2014, he was one of the panelists teaching the Los Angeles County Bar Association new admittees course on class actions; and since 2011 he has moderated the panel on ethical issues for the annual Year in Review for the Entertainment Section of the Beverly Hills Bar Association.

Douglas L. Johnson received his Bachelor of Arts in Political Science from the University of Southern California in 1996 (Dean's List 1993-1996). Mr. Johnson received his Juris Doctorate from McGeorge School of Law in 2000 (Dean's List 1999-2000). Mr. Johnson received the top grade in Insurance Law and received a certificate in Trial Advocacy. Mr. Johnson specializes in entertainment, business, and class action litigation. Mr. Johnson has handled numerous high-profile and wide-reaching litigation, including music and movie royalty disputes, rights of privacy, defamation, partnership disputes, breach of contract, and class actions.

Mr. Johnson was named a Super Lawyer "Rising Star" in intellectual property litigation for seven consecutive years (2005-2013), representing the top 2.5% of attorneys in Southern California for lawyers 40 years old and younger. Since 2016, he has been consistently named a "Super Lawyer" (2016-2024) in intellectual property litigation, representing the top 5% of attorneys in the field as voted by colleagues.

Mr. Johnson specializes in right of publicity cases and represents celebrities, models, and professional athletes. Mr. Johnson regularly speaks and writes articles in this area. In 2016, Mr. Johnson tried a right of publicity case for an actor and obtained a seven-figure jury award. Mr. Johnson has handled over fifty right of publicity cases.

Many of Mr. Johnson's clients are producers, actors, directors, production companies, music artists, and independent record labels. He is well-known for his successes in theft of idea cases for TV and reality shows and continues to litigate TV, movies, and music royalty cases. He represented Glen Larson Productions, Inc. (creator of Magnum PI, Knight Rider, Fall Guy, and Battlestar Galactica) in a large-scale profit participation dispute against Universal. Mr. Johnson represented Ed. Weinberger in a profit participation dispute over TV show "Amen." Mr. Johnson also handled Mr. Dreyfuss' back-end royalty disputes on Goodbye Girl, What About Bob? Close Encounters of The Third Kind, and The Competition. Some of his prominent matters include the following:

- Represented Janet Jackson in arbitration against her former record label involving dueling breach of contract claims, successfully resolving the case in mediation.
- Represented Jack Klugman (Quincy, Odd Couple) in a profit participation dispute against Universal.
- Represented the Estate of Charles Bronson on participation disputes in several movies.
- Litigated a theft of idea claim against A&E and Steven Seagal over the TV show Lawman.

- Handled litigation over profit participation disputes for creators of *Friday the 13th* and the TV show *The Parkers*.
- Served as a lead attorney and chief strategist in the case of *Hansen v. The Coca Cola Company*, which yielded a \$9.6 million jury verdict after a seven-week trial for claim of violation of the right of publicity, the largest verdict for a right of publicity case in the history of the United States. The trial court also awarded \$7.35 million in attorneys' fees.
- Prepared and delivered oral argument before the California Court of Appeal representing fitness celebrity Richard Simmons in right of privacy claims against a magazine and private eye for placing a GPS tracker on a car, leading to a published decision upholding his client's victory at the trial court level.
- Represented Sylvester Stallone in litigation against Warner Brothers over profit participation in the movie *Demolition Man* and handled audits on the *Rocky* films and *The Expendables*.
- Defended blues icon B.B. King in a claim seeking declaratory relief about the right to make a movie involving his life, resulting in the plaintiff dismissing his claim.
- Served as co-counsel for several years in three class actions against record industry companies over digital download royalties concerning underpayments to artists (*Temptations/Motels/Ronee Blakely*). The cases dealt head-on with unresolved points of law as to classification of digital downloads, and the rights of artists to receive royalties in the face of changing technology.
- Co-counsel in class actions against the five major Hollywood studios alleging endemic underpayment on home video and new digital media for pre-1982 movies for writers, producers, actors, and directors. In those cases, Mr. Johnson handled the settlement with Universal for \$25 million, with Fox for \$12.6 million, and with Sony and Paramount.
- Litigated several high-profile libel actions against large media companies, settling two for mid-seven figures.
- With his partner, Neville L. Johnson, settled three class actions against the Directors Guild of America, Writers Guild of America, and Screen Actors Guild of America for tens of millions of dollars of unpaid foreign levies.

- Served as outside general counsel for Worldstarhiphop, a popular online music and pop culture website, where he dealt daily with cutting-edge copyright, right of privacy, and right of publicity issues. Mr. Johnson handled numerous copyright and trademark infringement lawsuits in Federal Court for Worldstar.
- Co-chaired trial, obtaining a seven-figure jury verdict on behalf of music artist against music distributor in Oregon U.S District Court.
- Obtained a seven-figure arbitration award in business partnership dispute.
- Defended RatPac in litigation over an idea theft claim made in connection with the 2018 film *Life of the Party*, starring Melissa McCarthy, obtaining a full dismissal of the case.
- Represented Karrueche Tran in litigation against her former talent manager, obtaining a seven-figure settlement after successfully moving the court to freeze the manager's assets.
- Represented a high-level film producer in a dispute against a major motion picture studio concerning turnaround rights to the film Rush Hour 4.
- Currently representing an independent record label in a sprawling copyright infringement lawsuit concerning the protectability of the reggaeton genre's iconic "dem bow riddim."
- Currently represents the largest production music licensing against in North America in various copyright infringement disputes, successfully recovering millions in damages to date.
- Lead Counsel on lawsuits against 14 NBA teams on behalf of Kobalt Music Publishing in the United States District Court for the Southern District of New York.

Mr. Johnson is an adjunct professor at Southwestern Law School and teaches a class titled Entertainment and Media Litigation with his partner, Neville Johnson.

Published Cases:

- *Gerbosi v. Gaims, Weil, West & Epstein, LLP*, 193 Cal. App. 4th 435 (2011)
- *Walker v. Geico General Ins. Co.*, 558 F.3d 1025 (9th Cir. 2009)

- *Kihn v. Bill Graham Archives, LLC*, 445 F. Supp. 3d 234 (N.D. Cal. 2020)
- *Simmons v. Bauer Media Grp. USA, LLC*, 50 Cal. App. 5th 1037 (2020).

Mr. Johnson has been lead counsel in the following class actions: *Webster v. Allstate Insurance Company*; *Walker v. Geico*; *Bouchard v. Optometrix*; *Miller v. City of Los Angeles, et al.*; *Russo v. City of Beverly Hills*; *Weber v. Bank of America*; *Galavis v. LA Models*; *Armuth v. Linton*; *Gerash v. Verizon Communications*; *Susan Dukow v. Sony Pictures Entertainment*; *Buck v. MGM*; *Higgins v. Paramount*; *Stanley Donen Films, Inc. V. Twentieth Century Fox Film Corp*; *Larry E. Martindale v. Sony Pictures Entertainment Inc.*; *Rick Nelson v. Sony Music*; *Williams v. Warner Music*, *Marks v. UMG Recordings*; *Hall v. Warner Music*; *Friedman v. Guthy-Renker LLC*; and, *Time for Three, LLC v. Entertainment One Group LLC*.

Melissa Eubanks is Senior Counsel at Johnson & Johnson LLP with extensive experience managing complex litigation. Her practice includes contract disputes, civil and business torts, partnership and shareholder disputes, professional liability, insurance coverage, civil rights, publicity and defamation, trade secret misappropriation, and copyright and trademark infringement. Ms. Eubanks' past litigation matters of note include:

- *Kuhlman Electric Corp. v. The Travelers Indemnity Co., et al.*: Member of 4-person trial team that obtained a \$25 million jury verdict for plaintiff in a highly complex long-tail insurance coverage action arising from toxic tort class actions.
- *Breuder v. Board of Trustees, et al.*: Lead managing counsel representing former community college president in a high-profile civil rights and defamation case arising from his political ouster as president of Illinois' largest community college; negotiated a \$4 million settlement of client's claims.
- *City of Joliet v. Mid-City National Bank of Chicago, et al.*: Member of 4-person trial team that obtained a judgment in favor of the City of Joliet following a 100+ day bench trial in an eminent domain and Fair Housing Act dispute.
- *Industrial Kinetics, Inc. v. Cinetic Automation Corp.*: Representing a conveyor system manufacturer in a breach of joint venture and trade secret misappropriation lawsuit, in which she defeated a motion for summary judgment arguing that a linear conveyor system design could not constitute a trade secret as a matter of law, which quickly led to a favorable settlement for the client.

Ms. Eubanks received her B.A. from the University of California, Santa Cruz and J.D. from Northwestern University School of Law, where she was Executive Editor of the school's Journal of Law and Social Policy. Ms. Eubanks began her career at the national law firm of Quinn Emanuel. Prior to joining Johnson & Johnson, she was also a Senior Attorney at Theodora Oringher PC and Partner at Figliulo & Silverman.

Additional Firm Information

In the last 15 years, the firm has brought litigation or settled pre-filing more than fifty matters for violation of the right of publicity. To our knowledge, we are one of two firms in Southern California that have the largest right of publicity cases representing plaintiffs.

We have litigated many net profit cases in the film and television industry for writers, producers, actors (including Sylvester Stallone) and directors. In 2014, the firm had a trial victory in successful defense of copyright infringement and theft of idea claim, *Goodness Films LLC v. Weinberger* (USDC - Central).

For many years, our firm was general counsel to WorldstarHipHop, the largest urban website in the world, handling all litigation and transactional matters and dealing with copyright, trademark, and right of publicity issues for that entity on a near daily basis.

In 2023, the Daily Journal recognized Johnson & Johnson as a top boutique firm for entertainment and intellectual property matters.

We were counsel for the plaintiff involving large claims of money not paid to a producer of music for Fox Sports. *Davis v. Fox Entertainment Group, Inc.* (LASC). We represented the largest multichannel network in Europe and successfully settled litigation. *Jukin Media v. Zoomin.TV* (USDC - Central). We successfully represented parties in major litigation over television themes, including Andy Griffith Show, *Hagen Publishing, Inc. v. CBS Television Distribution* (USDC Central).

We settled a class action for the wrongful taping of phone calls. *Mount v. Wells Fargo* (LASC). The firm represented plaintiffs in over ten cases involving Anthony Pellicano, who corrupted the legal system by illegal wiretapping and other sordid practices. After ten years of litigation, we resolved the last of these cases. The cases include *Miller v. City of Los Angeles, et al.*, Los Angeles Superior Court Case No. BC356529 (class action alleging invasion of privacy based on illegal running of citizens' private records; *Russo v. City of Beverly Hills, et al.*, Los Angeles Superior Court Case No. BC356541. Recently settled class action alleging invasion of privacy based on illegal running of citizens' private records.

We represent a major television, recording, and touring teen star. We also represent many legacy talents, such as Mitch Ryder, the Estates of Rick Nelson, Buddy Holly, Del Shannon, and Burns and Allen. We are litigation counsel working with other transactional law firms. We provide daily counseling on entertainment and media matters.

We also handle invasion of privacy cases, such as *Simmons v. Bauer Media Group*, Court of Appeal, 2d Civil No. B296220 (LASC Case No. BC708736), in which the defendants recently unsuccessfully appealed a SLAPP denial in an invasion of privacy case brought by our client, celebrity Richard Simmons.

We have been counsel in many class actions, many of which are entertainment-related. Just some of our work includes the following class actions, which are delineated to show that we often take on giant entities who fight back and are nonetheless successful in resolving them.

Class Actions:

Bedran v. American Express Travel Related Services, Inc., Los Angeles Superior Court Case No. BC241979. We brought a class action against American Express that exposed a systematic error that caused card members to unnecessarily forfeit up to 1 Billion of the Membership Rewards Program (MRP) points. The matter settled for the return to card members nationwide of a minimum of 450 million and up to 1 Billion MRP points, as well as the correction of the systematic error causing the problem. We were the sole counsel.

Fears v. Wilhelmina, Case No. 02-CV-4911 (S.D.N.Y.). We pioneered a class action lawsuit against the major New York model agencies (including Ford Models, Elite, Wilhelmina) on behalf of thousands of New York models for conspiring to fix model commissions and other terms violating the Sherman Antitrust Act. The matter resulted in an approximate \$25 million recovery for the models, including substantial reforms in how model agencies can operate. Published Decisions: *Fears v. Wilhelmina Model Agency, Inc.*, 2005 WL 1325297 (S.D.N.Y. Jun 06, 2005); *Fears v. Wilhelmina Model Agency, Inc.*, 2004 WL 594396, 2004-1 Trade Cases P 74,351 (S.D.N.Y. 2004); *Fears v. Wilhelmina Modeling Agency, Inc.*, 61 Fed. R. Evid. Serv. 1451 (S.D.N.Y. 2003). We were co-lead counsel in the case with David Boies and Boies Schiller & Flexner LLP.

Gustafson v. Chase Manhattan Bank USA, N.A., Los Angeles Superior Court Case No. BC319892. We brought a class action that challenged Chase's improper imposition of over-the-limit fees concerning cardholders' transfer of previous loan balances to certain of Chase's credit card products. The case was settled and approved by the Court, resulting in a fund of approximately \$300,000 for a nationwide class. We were sole counsel.

Ory. v. Columbia House Music Club, U.S. District Court for the Central District of California, Case No. CV02-2342SJO. We brought a class action lawsuit for copyright infringement against record clubs Columbia House and BMG Direct as a result of their 30-year practice of paying composers of musical compositions only 75% of the

publishing royalties to which they are statutorily entitled. The matter was successful (despite that a nearly identical action was dismissed by the courts 10 years earlier), resulting in a \$6.5 million settlement for composers and industry reforms preventing this conduct in the future. We were co-lead counsel in the case.

Richert v. Writers Guild of America West, Inc., Los Angeles Superior Court Case No. BC339972. Class action certified in 2010. The case settled for one hundred million dollars in unpaid foreign royalties to all guild members. We were lead counsel.

Webb v. Directors Guild of America, Inc., Los Angeles Superior Court Case No. BC352621. Class action certified and settled which will cause over 5 million dollars of unpaid royalties to be paid out to all the members of the guild. We were sole counsel.

Osmond v. Screen Actors Guild, Inc., Los Angeles Superior Court Case No. BC377780. Class action certified and settled for tens of millions of dollars in unpaid royalties to be paid to the guild members. We were lead counsel in the case.

To date, we are responsible for over \$400 million in payments to writers, actors, and directors as a result of the foregoing three class actions.

Greenberg v. E-Trade Financial Corporation, Los Angeles Superior Court Case No. BC360152. Class action alleging invasion of privacy based on the company's illegal recording of customers' calls. The case was certified and settled for seven million dollars. We were lead co-counsel.

Galavis v. LA Models, Los Angeles Superior Court Case No. BC382372. Class action alleging breach of contract and unfair business practices for improperly calculating fees owed to the models and charging impermissible costs. We were sole counsel.

Bouchard v. Optometrix, Los Angeles Superior Court Case No. BC416146. Class action alleging invasion of privacy based on hidden cameras in the exam rooms. The case was certified in 2011. This case was settled, and the court granted final approval. We were sole counsel.

Armuth v. Linton, U.S. District Court for the Central District of California, Case No. CV 11-0220-AHM-(Ex). Consumer class action in based on false advertising of beauty products. This case was recently settled in 2012, and the court granted final approval. We were sole counsel.

Gerash v. Verizon Communications, Los Angeles Superior Court Case No. BC459508. Class action alleging violations for unfair business practices in violation of various

California statutes, including without limitation *Cal. Civ. Code* §§1722, 1750 et seq., and *Cal. Bus. & Prof.* §17200 et seq. We were sole counsel.

In Re: Warner Music Group Corp. Digital Download Litigation., Case No. CV 12-0559; *Otis Williams v. UMG Records*, Case No. CV 12-1289; *Martha Davis v. EMI Group Limited*, Case No. CV 12-01602 (all in U.S. District Court for the Northern District of California). Class actions on behalf of recording artists and producers who allege that they have been systematically underpaid royalties by the record companies. The *Warner* case recently settled for thirteen million and received final approval. The *UMG* case settled for nearly twelve million. We were co-lead counsel.

Susan Dukow v. Sony Pictures Entertainment, LASC Case No. BC566884. Class action for Sony's failure to prevent the data breach that exposed more than 47,000 of the company's current and former employees' personal data, including Social Security numbers, salaries, and medical information. A group of hackers called Guardians of Peace took over Sony's network after its release of North Korean-themed comedy, *The Interview*. The claims against Sony are for violation of privacy rights, negligence, *Cal. Civ. Code* § 1798.80, and *Cal. Civ. Code* §56. Our firm was on the executive committee, and the case settled.

Friedman v. Guthy-Renker LLC and WEN by Chaz Dean, Inc., U.S. District Court for the Central District of California, Case No. 14-cv-06009. Class action for false advertising and personal injury claims relating to shampoo sold by the defendants. The case recently settled for \$26 million. We were co-counsel.

Colin Higgins Productions, Ltd. v. Universal City Studios, LLC, Los Angeles Superior Court Case No. BC49918; *Colin Higgins Productions, Ltd. v. Paramount Pictures Corporation*, Case No. BC4991790; *Stanley Donen Films, Inc. v. Twentieth Century Fox Film Corporation*, Case No. BC499181; *Larry E. Martindale v. Sony Pictures Entertainment, Inc.*, Case No. BC499182 (all in Los Angeles Superior Court). Class actions for breach of contract and conversion alleging that defendant short-changed profit participants by accounting for only a fraction of home video earnings. Each case settled at various amounts between \$12 and \$25 million each. We were co-lead counsel on each case, and the court granted final approval for each of the settlements.

Time for Three, LLC v. EntertainmentOne Group, LLC, et al., Case No. 1:17-cv-00329 (GBD) (United States District Court for the Southern District of New York): Class action for nonpayment of royalties due to performers from streaming on digital satellite radio providers. Case settled.

The Rick Nelson Company, LLC v. Sony Music Entertainment, Case No. 1:18-cv-08791-LLS (United States District Court for the Southern District of New York): Class action for underpayment of royalties due to performers from streaming on digital platforms outside of the United States. Case settled for \$12.7 million in retrospective relief and a 36% uplift in prospective royalties for all class members.

Asner v. The SAG-AFTRA Health Fund, Case No. 2:20-cv-10914 (United States District Court for the Central District of California): Class action for breach of fiduciary duties concerning changes to the SAG-AFTRA Health Fund in 2020 that were alleged to eliminate health coverage for senior performers. Case settled for \$20.6 million.

Risto v. SAG/AFM, case No. 2:18-CV-07241-CAS-PLA (United States District Court for the Central District of California); Class action for breach of fiduciary duty for background performers against AFM and SAG-AFTRA over royalty-skimming allegations, obtaining over \$8 million in royalties and fee reductions.

Marks v. UMG Recordings, Inc., Case No. 2:21-cv-04043-MCS-JPR (United States District Court for the Central District of California): Class action for declaratory relief regarding the rights of musical artists to rescind contracts with record labels that do not require the payment of royalties in connection with digital streaming. (Pending)

Hall, et al. v. Warner Music Group Corp., et al., Case No. 3:22-cv-00457 (AAT) (United States District Court for the Middle District of Tennessee). Class action for underpayment of royalties in connection with the exploitation and distribution of musical works by record labels through digital streaming services. (Pending)