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11 *Attorneys for Plaintiffs and the Class*

12 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
13 **COUNTY OF LOS ANGELES, CENTRAL CIVIL WEST**

14 COLIN HIGGINS PRODUCTIONS, LTD.,
15 Plaintiff,

16 vs.

17 UNIVERSAL CITY STUDIOS, LLC, and
18 DOES 1-100,
19 Defendant.

CASE NO. BC499180 (related to BC499179,
BC499181, BC499182, BC500040, and
BC540146)

CLASS ACTION

**DECLARATION OF NEVILLE L.
JOHNSON IN SUPPORT OF
PLAINTIFFS' MOTIONS FOR FINAL
APPROVAL OF CLASS ACTION
SETTLEMENT AND ATTORNEYS'
FEES, COSTS AND INCENTIVE
AWARDS**

Assigned to the Honorable Hon. Elihu M.
Berle (Dept. CCW-323)

[Complaint Filed: January 16, 2013]

Date: December 11, 2015
Time: 10:00 a.m.
Dept.: 323

1 I, Neville L. Johnson, hereby declare:

2 1. I am a partner in the law firm of Johnson & Johnson LLP, one of the attorneys of
3 record for the Plaintiffs and the Class (“Plaintiffs”). I am an attorney duly admitted to practice
4 before this Court and am a member in good standing of the State bars of California.

5 2. I am one of the attorneys principally responsible for the handling of this matter at
6 Johnson & Johnson LLP. I am personally familiar with the facts set forth in this declaration. If
7 called as a witness I could and would competently testify to the matters stated herein. I make this
8 declaration in support of Plaintiffs’ Motion for Attorneys’ Fees, Litigation Costs, and Incentive
9 Awards.

10 **A. Background and Experience**

11 3. I have been practicing law for nearly 40 years. Throughout my career, I have been
12 involved in litigating, trying, and settling dozens of entertainment and consumer class action cases
13 in California and elsewhere. Johnson & Johnson LLP is located in Beverly Hills, California.

14 4. Attached hereto as **Exhibit A** is a true and correct copy of the firm resume for
15 Johnson & Johnson LLP, which reflects the experience and accomplishments of the firm and the
16 attorneys working on this case. This firm resume reflects that the attorneys in this case have
17 successfully adjudicated some of the largest and most important class action lawsuits in the United
18 States in the entertainment business.

19 5. Johnson & Johnson LLP attorneys have extensive experience in the litigation, trial,
20 and settlement of other complex class action cases, as well. Some of the significant entertainment
21 and consumer class action cases in which Johnson & Johnson LLP attorneys have served as Class
22 Counsel or had prominent roles include the following cases:

23 a. *Fears v. Wilhelmina, et. al.*, Case No. 02-CV-4911 (S.D.N.Y.). We
24 pioneered a class action lawsuit against the major New York model agencies (including Ford
25 Models, Elite, Wilhelmina) on behalf of thousands of New York models for conspiring to fix
26 model commissions and other terms in violation of the Sherman Antitrust Act. The matter
27 resulted in an approximate \$25 million recovery for the models, including substantial reforms in

1 the manner in which model agencies can operate. Published Decisions: *Fears v. Wilhelmina*
2 *Model Agency, Inc.*, 2005 WL 1325297 (S.D.N.Y. Jun 06, 2005); *Fears v. Wilhelmina Model*
3 *Agency, Inc.*, 2004 WL 594396, 2004-1 Trade Cases P 74,351 (S.D.N.Y. 2004); *Fears v.*
4 *Wilhelmina Modeling Agency, Inc.*, 61 Fed. R. Evid. Serv. 1451 (S.D.N.Y. 2003). We were co-
5 lead counsel in the case.

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

14 c. *Webb v. Directors Guild of America, Inc.*, Los Angeles Superior Court,
15 Case No. BC352621. Class action for breach of contract and conversion was certified and settled
16 which caused over \$5 million dollars of unpaid royalties to be paid out to all the members of the
17 guild. We were sole counsel.

18 d. *Osmond v. Screen Actors Guild, Inc.*, Los Angeles Superior Court, Case No.
19 BC377780. Class action for money had and received and conversion was certified and settled for
20 tens of millions of dollars in unpaid royalties to be paid to the members of the guild. We were
21 lead counsel in the case.

22 e. *Richert v. Writers Guild of America West, Inc.*, Los Angeles Superior Court,
23 Case No. BC352621. Class action for money had and received and conversion was certified in
24 2010. The case settled for one hundred million dollars in unpaid foreign royalties to all members
25 of the guild. We were lead counsel.

26 f. *Martha Davis, as assignee of "The Motels," v EMI Group Limited*, United
27 States District Court, Northern District Of California, San Francisco Division, Case No. 4:12-cv-

1 01602-YGR. We represented two of the plaintiffs in this class action, which recently settled for
2 \$11.5 million and an increase in royalties.

3 g. *In Re: Warner Music Group Corp. Digital Downloads Litigation*, United
4 States District Court, Northern District Of California, San Francisco Division, Case No. 12-CV-
5 0559-RS. We represented a lead plaintiff, which recently settled for \$11.5 million, with an
6 increase in royalties.

7 6. My firm is an entertainment-focused law firm, with substantial experience in
8 representing clients with disputes relating to profit participation. For the last four decades, I
9 represented talent in the music industry with respect to royalty disputes with music labels for
10 unpaid compensation. Within the last decade, I have championed the rights of profit participants
11 to fight movie and television studios with respect to the manner in which they account to profit
12 participants. In addition, I have represented talent (i.e., actors, writers, directors, producers) on
13 individual cases or audits who entered into contracts with studios in the 1970s and 1980s before
14 the advent of home video, such as VHS tapes, DVD, etc. Many of the talent I have represented on
15 an individual basis are advanced in age and/or have deceased (with their estate being handled
16 through a corporation or trustee/manager) and, many of them, have never received any profit
17 participation from the studios despite the fact that many old films have been released on home
18 video. Through my representation of talent over the last decade, I developed a special expertise
19 understanding how movie studios account to profit participants with respect to home video
20 revenues and the relevant contractual provisions.

21 **B. Litigation and Settlement of This Matter**

22 7. This case involved the intersection of studio accounting practices for profit
23 participants on films and complex class action issues with respect to how Universal accounted for
24 and paid home video profit participation on numerous motion pictures to Plaintiffs and Class
25 Members. The lawsuit against Universal was filed concurrently with similar class action lawsuits
26 against other major movie studios for similar accounting practices. In light of the complex nature
27 of the case and contingent risks involved in this litigation, we associated with Pearson, Simon &

1 Warshaw LLP (“PSW”), Kiesel Law LLP and Boucher LLP (“Class Counsel”), who all have
2 experience in complex and class action litigation.

3 8. I have participated in every aspect of this litigation and the settlement and based on
4 my experience, I believe that the Settlement in this case provides for a significant benefit to Class
5 Members arising from Universal City Studios LLC’s (“Universal”) home video accounting
6 practices, and, as a result, is fair, reasonable and adequate. This Settlement would not have been
7 possible without the collective efforts of the Plaintiffs and Class Counsel, which, I believe,
8 justifies the payment of reasonable attorneys’ fees, litigation costs and incentive awards.

9 9. The partners at each of the law firms comprising Class Counsel worked as an
10 executive committee that managed the litigation and assigned specific tasks to the appropriate
11 responsible attorneys at the respective firms. In doing so, the partners took steps to avoid the
12 duplication of labor, including limiting attorney assignments, appearances and other tasks to only
13 necessary attorneys who were specifically capable of handling such tasks. Given the division of
14 labor and assignments, I believe that the hours and work performed by Class Counsel in this
15 litigation were reasonable and necessary.

16 C. **The Work Performed by Johnson & Johnson LLP in This Litigation**

17 10. During the course of this litigation, Johnson & Johnson LLP participated several
18 aspects of the case, including:

19 a. Extensive pre-litigation investigation of history of accounting for home
20 video revenues, meetings with expert consultants, analyzing contracts and accounting related
21 documents, and legal research in preparation for drafting a complaint. Since Universal does not
22 openly disclose its accounting methodologies, the pre-litigation phase of this lawsuit required a
23 significant amount of investigation and analysis. Additional pre-litigation investigation and
24 analysis focused on determining the common issues that made this case suitable for class
25 adjudication;

26 b. Developing litigation strategy and researching, analyzing and preparing for
27 potential defenses, including statute of limitations;

1 c. Preparing the initial draft of Plaintiffs' Complaint, and revising the First
2 Amended and Second Amended Complaints, as well as preparing portions of Plaintiffs'
3 oppositions to Universal's demurrer and motion to strike;

4 d. Attending court hearings, including on Universal's demurrer and motion to
5 strike, status conferences and preliminary approval of the Settlement;

6 e. Preparing written discovery, including drafting Plaintiffs' discovery to
7 Universal, preparing for and defending Plaintiffs' depositions and reviewing documents produced
8 by Universal;

9 f. Settlement related activities, including participating in settlement
10 discussions and mediation sessions and responding to Class Member inquiries;

11 g. Reviewing and revising Plaintiffs' Motion for Preliminary Approval of the
12 Settlement and Motion for Attorneys' Fees, Costs and Incentive Awards and preparing supporting
13 documents; and

14 11. Johnson & Johnson LLP gathered the necessary information from the clients to
15 prepare and did prepare the initial draft of the original complaint against Universal on behalf of
16 Plaintiff Colin Higgins Productions ("CHP"), which was filed on January 16, 2013. We worked
17 with co-counsel to oppose Universal's demurrer and motion to strike and to prepare for the
18 hearing on June 24, 2013. Johnson & Johnson LLP then assisted with the filing of Plaintiffs'
19 subsequent complaints by reviewing and analyzing documents related to Plaintiffs Indigo, Inc.
20 ("Indigo") and Lynn Unger Children's Trust ("LUCT") in order to add them to the First Amended
21 Complaint.

22 12. Johnson & Johnson LLP assisted in the drafting of Plaintiffs' written discovery
23 requests to Universal, including Special Interrogatories, Requests for Admissions and Requests for
24 Production of Documents. My firm provided special expertise in drafting the requests based on
25 our experience litigating profit participation cases.

26 13. On June 6, 2014, Universal filed a motion for summary adjudication as to
27 Plaintiffs' conversion cause of action. Johnson & Johnson LLP worked with co-counsel to

1 prepare discovery targeted to the issues, including depositions and written discovery in support of
2 the opposition to Universal's motion. In addition, my firm conducted extensive research and
3 prepared memoranda in order to prepare an opposition to Universal's motion. Universal
4 ultimately withdrew its motion for summary adjudication on August 27, 2014, after the Court
5 found that Plaintiffs could depose Universal's employees in support of their opposition to
6 Universal's motion.

7 14. Johnson & Johnson LLP participated in the initial settlement discussions with
8 Universal at PSW's office on October 20, 2014.

9 15. My partner, Douglas L. Johnson, and I prepared for and participated in the parties'
10 all-day mediation with Hon. Louis M. Meisinger (Ret.) of ADR Services on November 21, 2014.
11 Although the parties could not reach a settlement during this initial session, my firm continued to
12 be involved in the continued settlement discussions. I worked over the Christmas holiday, while I
13 was in New York, with numerous calls among counsel and the mediator to conclude the
14 settlement.

15 16. Once the parties reached an agreement on the settlement terms, Johnson & Johnson
16 LLP reviewed and revised the detailed Class Action Settlement Agreement.

17 17. After the July 15, 2015 preliminary approval hearing, my firm worked with co-
18 counsel to make certain changes to the Settlement Agreement and notice documents to address
19 issues raised by the Court.

20 18. My firm handled multiple inquiries from Class Members and their representatives
21 regarding the Settlement.

22 19. Johnson & Johnson LLP researched and assisted in the preparation of Plaintiffs'
23 Motion for Attorneys' Fees, Costs and Incentive Awards and supporting documents.

24 **D. The Attorneys' Fees and Costs Incurred by Johnson & Johnson LLP**

25 20. During the early course of this litigation, Johnson & Johnson LLP's attorneys
26 vigorously adjudicated this action in furtherance of the interests of the Plaintiffs and Class
27 Members through strategy meetings, extensive discovery and document review.

1 21. Attached hereto as **Exhibit B** is a true and correct summary of the hours spent by
2 attorneys and other staff at Johnson & Johnson LLP during the course of this litigation. This
3 summary was prepared from contemporaneous time records reflecting the historical rates of our
4 attorneys and other staff. All work reported by us in this case was performed on a wholly
5 contingent basis. All of the work performed and the time expended was reasonable and necessary
6 for the prosecution and ultimate settlement of the claims in the case. The summary report attached
7 as Exhibit B indicates a total lodestar of \$409,076.50, which was calculated based on the hourly
8 rate in effect at the time the work was performed.

9 22. Below is a comprehensive breakdown of the number of hours and attorneys' fees
10 expended by Johnson & Johnson LLP on various tasks in this case:

11	Category	Hours	Lodestar
12	Attorney Meeting / Strategy	43.80	\$33,276.00
13	Case Management	141.00	\$96,418.00
14	Court Appearances	29.30	\$21,142.00
15	Discovery	151.30	\$99,436.00
16	Document Review	57.10	\$30,020.00
17	Experts - Work or Consult	2.90	\$2,311.00
18	Client Meeting	3.4	\$3,006.50
19	Research	70.70	\$28,072.50
20	Pleadings / Motions	50.30	\$34,992.50
21	Settlement	74.00	\$60,402.00
22	Total		\$409,076.50
23			

24 23. The hourly rates charged by us in this case are the standard hourly rates currently
25 charged by our attorneys and staff. Based on my experience and practice, I believe the hourly
26 rates charged by Johnson & Johnson LLP for its attorney and non-attorney staff are consistent
27 with the rates charged in the Los Angeles legal community for attorneys of similar caliber and
28

1 experience. These hourly rates have been approved by courts presiding over actions brought by
2 us, including in the *Martha Davis v. EMI and Warner Music Group Downloads Litigation*.

3 24. Johnson & Johnson LLP took affirmative steps to ensure that all counsel within the
4 firm were acting efficiently both within the firm and with co-counsel. Johnson & Johnson LLP's
5 time and work in this case was non-duplicative, benefitted the Class, and should be compensated.

6 25. Attached hereto as **Exhibit C** is a true and correct summary of the expenses
7 directly incurred and paid by Johnson & Johnson LLP during the course of this litigation. The
8 expenses pertaining to this case are reflected in the books and records of my firm. The expense
9 summary was prepared based on expense vouchers, check records and other documents and is an
10 accurate record of the firm's out-of-pocket expenses. The summary report indicates a total of
11 \$5,861.92 in expenses directly incurred by Johnson & Johnson LLP to date in connection with the
12 prosecution of this case. In addition to the costs directly incurred and paid by Johnson & Johnson
13 LLP, my firm maintained a litigation fund where each firm contributed an amount toward costs.
14 Attached as **Exhibit D** is a true and correct summary of the contributions by each firm and the
15 itemization and description of costs paid out of the litigation fund. The total costs paid from the
16 litigation fund for this case total \$8,721.02. This includes \$1,189.25 paid by Boucher LLP,
17 \$3,171.26 paid by PSW, \$2,378.50 from Kiesel Law LLP and \$1,982.01 from Johnson & Johnson
18 LLP. Johnson & Johnson LLP and its co-counsel advanced all of the costs in this case with no
19 promise of repayment. I believe the litigation expenses incurred were reasonable and necessary
20 given the complex nature and scope of this case.

21 26. It took several months for the parties to come to an agreement and formalize it into
22 a formal settlement agreement. Throughout these negotiations, Johnson & Johnson LLP helped to
23 develop a settlement that obtained substantive monetary relief for Plaintiffs and the Class and
24 extremely valuable prospective relief by seeking modification of Plaintiffs and Class members'
25 contracts in perpetuity.

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1 27. Based on my professional experience, and taking into consideration the risks of
2 continued litigation as compared to the relief granted by the Settlement, it is my opinion that the
3 Settlement is fair, adequate, and reasonable, and in the best interests of the Class.

4 28. The Settlement here provides \$26 million in total compensation to the Class by
5 creating: (1) a \$13 million Settlement Fund, which will be used to credit the accounts of Recouped
6 Class Members; and (2) a separate \$13 million Accounting Relief Fund, which will be used to
7 credit the accounts of Unrecouped Class Members. Although the exact amount received by
8 Recouped Class Members will depend on certain factors, including the revenue from the films at
9 issue, the formula for determining their payouts can be tested and applied for approval purposes.
10 Class Counsel estimate that every \$50,000 of profit participation already paid to a Class Member
11 (from the beginning of time) will result in approximately \$1,500 in retrospective relief; every
12 \$50,000 of profit participation paid to a Class Member during the four-year period of January 1,
13 2011 through December 31, 2014 will result in approximately \$6,400 in prospective relief.

14 29. Neither I nor my firm have any interest or involvement in the governance or work
15 of the Motion Picture & Television Fund.

16 I declare under penalty of perjury under the laws of California that the foregoing is true
17 and correct.

18 Executed on October 13, 2015, in Beverly Hills, California.

19
20 
21 _____
22 Neville L. Johnson
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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 privacy, entertainment, and consumer issues, including class actions in that nexus.

Neville L. Johnson graduated Phi Beta Kappa from the University of California, Berkeley (1971). He received his law degree from Southwestern University School of Law (1975), graduating near the top of his class. He has tried over 26 civil jury trials and over 70 civil trials without a jury. He is a member of the American Board of Trial Advocates, and is on the Board of Governors of the Consumer Attorneys of Los Angeles (CAALA) and the Beverly Hills Bar Association (BHBA), and the Board of Directors of the national organization Public Justice. 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 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.

He and his firm has been lead counsel in many class actions.

Mr. Johnson has been designated a “SuperLawyer” (top 5% as voted by colleagues) and one of the Hollywood 100 “Power Lawyers” by the *Hollywood Reporter* every year since 2008. In 2013 *Variety* named him one of the top 50 lawyers in entertainment, one of 16 litigators. He is a Fellow of the American Bar Foundation (invitation only, top 2% in the United States).

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, of Johnson & Rishwain, LLP, Los Angeles, California, 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 “Suing the Media, Supporting the First Amendment: the Paradox of Neville Johnson and the Battle for Privacy,” *67 Albany Law Review* 1097 (2004).

He is a frequent lecturer and written extensively on entertainment, copyright and media and other legal topics. Publications: “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); “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). 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 current trends in the right of privacy). He co-authored chapters on music publishing, personal managers and getting a record deal in *The Musician's Business & Legal Guide* (2007 4th edition), and wrote the authorized biography, *The John Wooden Pyramid of Success* (Second Edition 2004).

Since 2012, Mr. Johnson has taught a course on entertainment and media litigation as an Adjunct Professor at Southwestern School of Law. For the last four years, he has been one of the panelists teaching the Los Angeles County Bar Association new admittees course on class actions; and for the past four years 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.

Mr. Johnson has been named a Super Lawyer “Rising Star” in the area of intellectual property litigation for the last seven consecutive years (2005-2013). (The Rising Star Attorneys represent the Top 2.5% of their profession in Southern California for lawyers 40 years old and younger).

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 has negotiated tens of millions of dollars in settlements for the firm’s clients. He also secured a million dollar jury verdict for a recording artist in a copyright infringement case in Federal Court. In the past couple of years, Mr. Johnson has secured over twenty five-million dollars in settlements for the firm’s clients in business-tort cases.

Many of Mr. Johnson’s clients are producers, actors, directors, production companies, music artists, and 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 currently represents Glen Larson Productions, Inc. (creator of Magnum PI, Knight Rider, Fall Guy, Battlestar Galactica) in a large scale profit participation dispute against Universal. He also currently represents writers, actors and producers in disputes over back-end profits on several television shows and movies.

Mr. Johnson represented Jack Klugman (Quincy, Odd Couple) in a profit participation dispute against Universal. He also handled Mike Connors' net profit dispute on the TV show Mannix and litigated a theft of idea claim against A&E and Steven Segal over the TV show Lawman. Mr. Johnson defended blues icon B.B. King in a claim seeking declaratory relief about the right to make a movie involving his life resulting in Plaintiff dismissing his claim.

Mr. Johnson has contributed to, authored, and argued appeals before the California Court of Appeals and the United States Court of Appeals for the 9th Circuit.

Publications:

- Douglas L. Johnson & Neville L. Johnson, *What Happened to Unjust Enrichment in California? The Deterioration of Equity in the California Courts*, Loyola of Los Angeles Law Review Vol. 44:277, Fall 2010.

Published Cases:

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

Speaking Engagements:

- Panelist for Beverly Hills Bar Association, Entertainment Law Section, The Right of Publicity: The State of The Current Law (March 2014)
- Panelist for Beverly Hills Bar Association, Entertainment Law Section, "Right of Publicity: How Much Is Your Client Really Worth?" (March 2012)
- Panelist for Donald L. Stone's Inn of St. Ives: "The Ever-Evolving Courtroom Drama of Net Profits" (2012)
- Panelist for Beverly Hills Bar Association, Entertainment Law Section, "Current Issues in Right of Likeness, Defamation and Privacy" (July 2011)
- Panelist for Loyola Law School's Legal Symposium, Injuries Without Remedies (March 2010)

Adjunct Professor:

- Southwestern School of Law: Entertainment and Media Litigation (Spring 2012 to present)

Mr. Johnson has been lead counsel in the class actions *Webster v. Allstate Insurance Company*, *Progressive Casualty 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* and directly involved in each class action cases listed below.

James T. Ryan is Of Counsel to Johnson & Johnson LLP. He received a Bachelor of Arts in Journalism with Honors and a Bachelor of Arts in Speech Communications from Indiana University in 1997. Mr. Ryan received his Juris Doctorate from Pepperdine University School of Law in 2000 (Dean's List 1998-1999). Mr. Ryan received the top grade in Communications Law.

Mr. Ryan specializes in entertainment, business, and class action litigation. Mr. Ryan has handled numerous cases involving rights of privacy, defamation, copyright infringement, theft of idea and partnership disputes. Mr. Ryan has been involved in almost all of the class actions listed below.

Nicholas A. Kurtz was a senior associate with Johnson & Johnson LLP. Mr. Kurtz earned a B.A. in Communications, Legal Institutions, Economics, and Government from American University in Washington, DC where he was a Presidential Scholarship recipient, a member of the School of Public Affairs Leadership Program, and a Colonial Athletic Association Scholar Athlete with the nationally ranked Division I varsity soccer team. In 2004, Mr. Kurtz earned his J.D. from Loyola Law School, where he served as the Chief Research Editor on the Loyola of Los Angeles Entertainment Law Review and garnered a First Honors Award in his Title IX Seminar course.

Some of his significant experience includes:

- Selected for inclusion as a “Rising Star” in 2009 Southern California Super Lawyers and 2012 Virginia Super Lawyers
- Directed multiple copyright infringement cases on behalf of rights holders, including for Academy award winning film *The Hurt Locker*, against infringers who utilize torrent platforms
- Litigated copyright infringement cases over the film *Drumline* and *Cars* film franchise
- Successfully represented musical artist in breach of contract litigation resulting in \$350,000 judgment against former manager
- Awarded Rule 11 sanctions in securing dismissal of corporate defendant related to promotional campaign of former Beach Boys artist Brian Wilson in British newspaper

Presentations:

- American Bar Association – Copyright Litigation: Finding Anonymous Copyright Infringers (March 2012)
- Beverly Hills Bar Association – Film and TV Producers: How to Squeeze the Lemon; Additional income to be collected by producers and copyright owners (June 2009)
- Los Angeles Copyright Society – The Music Download Class Action Suits (December 2006)

Publications:

- Electronic Evidence in Torrent Copyright Cases, Digital Evidence and Electronic Signature Review, Pario Communications, Bedfordshire, UK (2011) (pp.171-178) (co-author with Thomas M. Dunlap)

Published decisions:

- *Call of the Wild Movie, LLC v. Does 1-1,062* (D. D.C. 2011) 770 F.Supp.2d 332
- *Donkeyball Movie, LLC v. Does* (D. D.C. 2011) 810 F.Supp.2d 20
- *Maverick Entertainment Group, Inc. v. Does 1-2,115* (D. D.C. 2011) 810 F.Supp.2d 1
- *Voltage Pictures, LLC v. Does 1-5,000* (D. D.C. 2011) 818 F.Supp.2d 28
- *Call of the Wild Movie, LLC v. Smith* (D. D.C. 2011) 274 FRD 334
- *Maverick Entertainment Group, Inc. v. Does 1-2,115* (D. D.C. 2011) 276 FRD 389
- *Voltage Pictures, LLC v. Vazquez* (D. D.C. 2011) 277 FRD 28
- *Achte/Neunte Boll Kino Beteiligungs Gmbh & Co. v. Does 1-4,577* (D. D.C. 2010) 736 F.Supp.2d 212
- *West Bay One, Inc. v. Does 1-1,653* (D. D.C. 2010) 270 FRD 13

Brian T. Murray is an associate at Johnson & Johnson, LLP. He specializes in entertainment law, consumer protection, class actions, and complex business litigation. Mr. Murray graduated *cum laude* from Elon University where he received a Bachelor of Arts in History and a Bachelor of Fine Arts in Acting. In 2012, Mr. Murray earned his J.D. from Pepperdine University School of Law where he was a merit scholarship award recipient. In 2012, Mr. Murray also earned his Masters Degree in Dispute Resolution from the distinguished Straus Institute for Dispute Resolution. While at Pepperdine, Mr. Murray completed an externship for a federal judge and an internship with the United States Department of Justice. Mr. Murray also served as the Managing Editor of the *Pepperdine Dispute Resolution Law Journal*.

Heather L. Laird is an associate with Johnson & Johnson LLP. Ms. Laird earned a B.A. in Art History from the University of California, Los Angeles in 2008 and was a staff writer for The Daily Bruin. In 2013 she earned her J.D. from Loyola Law School, where she was a recipient of a Merit Scholarship. While at Loyola Law School, Ms. Laird served as an Editor of the Entertainment Law Review. Ms. Laird was also a torts tutor for first year law students.

Brandon P. Leahy is an associate attorney at Johnson & Johnson LLP. Mr. Leahy joined Johnson & Johnson after serving a two-year judicial clerkship under Justice Joyce L. Kennard of the California Supreme Court. He earned his B.A. in Political Science from Sonoma State University and his J.D. from the University of San Francisco School of Law, where he obtained a certificate in Intellectual Property and Technology Law, with honors. His note, "Supreme Indecision: Copyright's First-Sale Doctrine in the Gray Aftermath of *Costco v. Omega*," 16 *Intell. Prop. L. Bull.* 1, was published in the Intellectual Property Law Bulletin. Mr. Leahy was also research assistant to Professor J. Thomas McCarthy, one of the country's leading trademark law authorities, and assisted him in updating the widely-cited treatises, "McCarthy on Trademarks and Unfair Competition" and "The Rights of Publicity and Privacy."

PAST AND PENDING CLASS ACTION LAWSUITS

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 sole counsel.

Fears v. Wilhelmina, et. al., 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 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 in the case.

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 in connection with cardholders' transfer of previous loan balances to certain of Chase's credit card products. The case settled and was 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 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. We were co-lead counsel in the case.

Webster v. Allstate Insurance Company, Progressive Casualty Insurance Company, Los Angeles Superior Court Case No.: BC338075. Class action alleging violation of unfair business practices law with antitrust issues relating to payment to body shops by insurance companies. We were 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 members of the guild. 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 members of the guild. We were lead counsel in the case.

Miller v. City of Los Angeles, et al., Los Angeles Superior Court Case No.: BC356529. Pending class action alleging invasion of privacy based on illegal running of citizens' private records. The case was certified in 2013. The case is linked to the infamous, disgraced, private detective Anthony Pellicano. Mr. Pellicano bribed a Los Angeles police officer for over 15 years to illegally run private databases. We are sole counsel.

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. The case is linked to the infamous, disgraced, private detective Anthony Pellicano. Mr. Pellicano bribed a Beverly Hills police officer for over 7 years to illegally run private databases. We were sole counsel.

Greenberg v. E-Trade Financial Corporation, Los Angeles Superior Court Case No.: BC360152. Class action alleging invasion of privacy based on 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, et al., 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. Cvi. 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 recently settled for nearly twelve million. We are co-lead counsel.

Susan Dukow v. Sony Pictures Entertainment, 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 is on the executive committee.

Colin Higgins Productions, Ltd. v. Paramount Pictures Corporation, Case No. BC499179; *Colin Higgins Productions, Ltd. v. Universal City Studios, LLC*, Case No. BC499180; *Stanley Donen Films, Inc. v. Twentieth Century Fox Film Corporation*, Case No. BC499181; *Larry E. Martindale v. Sony Pictures Entertainment, Inc.*, Case No. BC499182; *Stuntman, Inc. v. Warner Bros. Entertainment, Inc.*, Case No. BC500040; *Joan J. Buck v. Metro-Goldwyn-Mayer Studios, Inc.*, Case No. BC540146 (all in Los Angeles Superior Court). Recently filed class actions breach of contract and conversion alleging that movie studios have short changed profit participants by accounting for only a fraction of home video earnings. We are co-lead counsel.

EXHIBIT B

HIGGINS V. UNIVERSAL
TIME REPORT

FIRM NAME: JOHNSON & JOHNSON LLP
REPORTING PERIOD: INCEPTION - OCTOBER 9, 2015

Categories:

- | | |
|---------------------------------|-------------------------|
| (1) Attorney Meeting / Strategy | (7) Client Meeting |
| (2) Case Management | (8) Research |
| (3) Court Appearance | (9) Pleadings / Motions |
| (4) Discovery | (10) Settlement |
| (5) Document Review | |
| (6) Expert - Work or Consult | |

Status:

- (P) Partner
(A) Associate
(LC) Law Clerk
(PL) Paralegal

(L) Librarian

NAME	STATUS	1	2	3	4	5	6	7	8	9	10	TOTAL HOURS	HOURLY RATES	AMOUNT
NEVILLE JOHNSON	P	19.80	45.40	6.50	21.20	3.10	1.50	3.00	15.30	11.20	44.40	171.40	\$ 920.00	\$ 157,688.00
DOUGLAS JOHNSON	P	6.80	9.40	9.80	9.70	0.70	0.10			7.70	25.10	69.30	\$ 665.00	\$ 46,084.50
JAMES RYAN	A	10.20	24.60	13.00	19.10	9.50	1.30	0.10	0.60	11.20	2.50	92.10	\$ 665.00	\$ 61,246.50
NICHOLAS KURTZ	A	0.60	37.40		101.30	17.90		0.30	0.30	18.10	2.00	177.90	\$ 600.00	\$ 106,740.00
ALYSON DECKER	A	4.50	0.40							1.50		6.40	\$ 600.00	\$ 3,840.00
JOHN FOWLER	A	0.30	10.30			5.80						16.40	\$ 450.00	\$ 7,380.00
BRIAN MURRAY	A		8.50			0.50						9.00	\$ 350.00	\$ 3,150.00
ILYSSA ADLER	A					1.20			21.20			22.40	\$ 350.00	\$ 7,840.00
AMINAH QURESHI	A	1.60	5.00			18.40						25.00	\$ 350.00	\$ 8,750.00
LAN VU	A								0.40	0.60		1.00	\$ 600.00	\$ 600.00
												0.00		
												0.00		
ATTORNEY TOTALS												590.90		\$ 403,319.00
ANI ARTSVELYAN	LC								3.40			3.40	\$ 175.00	\$ 595.00
TIFFANY ESMAILIAN	LC								29.50			29.50	\$ 175.00	\$ 5,162.50
												0.00		\$ -
												0.00		\$ -
												0.00		\$ -
NON-ATTORNEY TOTALS												32.90		\$ 5,757.50
												0.00		
TOTALS		43.80	141.00	29.30	151.30	57.10	2.90	3.40	70.70	50.30	74.00	623.80		409,076.50

EXHIBIT C

Exhibit C - Colin Higgins Productions, Ltd. v. Universal City Studios, LLC
Direct Costs - Johnson & Johnson LLP

Photocopies	\$536.24
Messenger/Court Service	\$712.80
Case Anywhere	\$277.97
Inventus	\$1,474.51
Parking	\$41.40
Mileage Costs	\$19.60
Court Reporter/Transcript	\$1,361.89
Filing fee	\$1,435.00
Postage	\$2.51
Total Costs	\$5,861.92

EXHIBIT D

Exhibit D - Colin Higgins Productions, Ltd. v. Universal City Studios, LLC
Costs - Litigation Fund

	<u>Firm Contributions</u>
Boucher LLP	\$1,189.25
Pearson Simon Warshaw LLP	\$3,171.26
Johnson & Johnson LLP	\$1,982.01
Kiesel Law LLP	\$2,378.50
Total	\$8,721.02

	<u>Costs Paid</u>
Inventus, document review and hosting	\$3,856.02
Case Anywhere, file and service program	\$170
ADR Services, Inc., mediation fees	\$4,695
Total	\$8,721.02