

1 FRANCIS M. GREGOREK (144785)

gregorek@whafh.com

2 BETSY C. MANIFOLD (182450)

manifold@whafh.com

3 RACHELE R. RICKERT (190634)

rickert@whafh.com

4 MARISA C. LIVESAY (223247)

livesay@whafh.com

5 BRITTANY N. DEJONG (258766)

dejong@whafh.com

6 **WOLF HALDENSTEIN ADLER**

FREEMAN & HERZ LLP

7 750 B Street, Suite 2770

San Diego, CA 92101

8 Telephone: 619/239-4599

9 Facsimile: 619/234-4599

10 *Interim Lead Counsel for Plaintiffs and the [Proposed] Class*

11 **UNITED STATES DISTRICT COURT**

12 **CENTRAL DISTRICT OF CALIFORNIA -**

13 **WESTERN DIVISION**

14 GOOD MORNING TO YOU
15 PRODUCTIONS CORP., *et al.*,

16 Plaintiffs,

17 v.

18 WARNER/CHAPPELL MUSIC,
19 INC., *et al.*

20 Defendants.

) Lead Case No. CV 13-04460-GHK (MRWx)

)

) **DECLARATION OF RANDALL S.**

) **NEWMAN IN SUPPORT OF FINAL**

) **APPROVAL OF CLASS ACTION**

) **SETTLEMENT AND REQUEST FOR**

) **ATTORNEYS' FEES AND**

) **EXPENSES**

)

) Room: 650

) Judge: Hon. George H. King, Chief

) Judge

) Date: June 27, 2016

) Time: 9:30 a.m.

)

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1 The undersigned, Randall S. Newman, Esquire, under penalty of perjury,
2 hereby declares and states as follows:

3 1. I am an attorney duly licensed to practice law in the State of New York
4 and the State of California. I am now a partner of the law firm Wolf Haldenstein
5 Adler Freeman & Herz LLP (“WHAFH”), Lead Counsel for Plaintiffs and the Class
6 in this litigation. I have personal knowledge of the matters set forth herein
7 concerning all matters pertaining to this Action and, if called upon, I could and
8 would competently testify thereto.

9 2. I submit this Declaration in support of Plaintiffs’ motions for final
10 approval of the Settlement and for an award of attorneys’ fees and reimbursement of
11 expenses. These motions and supporting memoranda of law are filed concurrently
12 herewith.

13 3. From the time this action was commenced until April 11, 2016, I
14 maintained a solo law practice named Randall S. Newman, P.C. (“RSN, P.C.”).
15 However, on April 11, 2016, I became a partner of WHAFH. I am submitting this
16 declaration to describe the work I performed and the expenses I incurred in this
17 Action as a solo practitioner, not any work I performed after joining WHAFH.
18 WHAFH has no interest in the fees or expenses that may be awarded and allocated to
19 RSN, P.C.

20 4. Attached hereto as Exhibit A is a copy of my resume, setting forth my
21 qualifications.

22 5. This Declaration sets forth the nature of the work I performed in the
23 Action, prior to joining WHAFH, to demonstrate why Plaintiffs’ motion for final
24 approval of the Settlement is fair, reasonable, and adequate, why Plaintiffs’
25 Counsel’s request for attorneys’ fees and expenses is reasonable, and why both
26 should be approved by the Court.

27 6. Prior to WHAFH’s involvement in this action, I personally spent an
28 extensive amount of time conducting a historical factual investigation into the history

1 of *Happy Birthday* as well as conducting an extensive amount of legal research about
2 the 1909 Copyright Act. After I was convinced by the research I had done that a
3 challenge to Defendants' ownership of *Happy Birthday's* copyright had merit, I
4 contacted Mark C. Rifkin, Esquire, at WHAFH to present the research I had found. I
5 have known Mr. Rifkin and worked with him as co-counsel on several matters since
6 2007, and I knew WHAFH had the capabilities of successfully litigating this Action.

7 7. As the Court is aware, the Action was actively and aggressively litigated
8 by Plaintiffs' Counsel until the Settlement was reached on February 8, 2016. For
9 their part, Defendants (and, to a lesser extent, the Intervenor) vigorously defended
10 themselves against Plaintiffs' claims. The case presented novel and complex issues
11 and posed great risk to both sides.

12 8. During the Action, Defendants' factual and legal theories constantly
13 changed, prompting new factual investigations and new legal responses from
14 Plaintiffs to each successive (and sometimes conflicting) theory Defendants offered
15 in defense of their copyright claims. Nothing about the litigation was simple.

16 9. RSN P.C. has represented Plaintiffs Good Morning to You Productions
17 Corp. ("GMTY") and Robert Siegel ("Siegel") throughout the litigation.

18 10. RSN P.C. was involved in all the major efforts by Plaintiffs' Counsel
19 during the Action. Those efforts fell into eight distinct phases of the litigation: (a)
20 Pre-filing Investigation and Initial Complaint Drafting; (b) Amended Complaint
21 Drafting; (c) Motion to Dismiss Response; (d) Discovery; (e) Cross-Motions for
22 Summary Judgment; (f) Trial Preparation; (g) Settlement Negotiations; and (h)
23 Settlement Approval and Administration. RSN P.C.'s work in each phase of the
24 litigation is described in detail below.

25 11. Recognizing the historical significance of the Action, and anticipating
26 that Defendants would likely mount an extremely vigorous defense to the claims
27 being asserted, I personally performed much of the factual work that was needed to
28 successfully litigate this Action.

1 12. The information in this declaration regarding RSN, P.C.'s time and
2 expenses is taken directly from time and expense printouts and supporting
3 documentation prepared and maintained by me in the ordinary course of business. I
4 conducted the day-to-day activities in the litigation and I reviewed these printouts
5 (and backup documentation where necessary or appropriate) in connection with the
6 preparation of this declaration. The purpose of this review was to confirm the
7 accuracy of the entries on the printouts as well as the necessity for, and
8 reasonableness of, the time and expenses committed to the litigation. As a result of
9 my review, certain reductions were made to both time and expenses in the exercise of
10 billing judgment. As a result of this review and the adjustments made, I believe that
11 the time reflected in RSN, P.C.'s lodestar calculation and the expenses for which
12 payment is sought as set forth in this declaration are reasonable in amount and were
13 necessary for the effective and efficient prosecution and resolution of the litigation.
14 In addition, I believe that these expenses are all of a type that would be normally
15 charged to a fee-paying client in the private legal market.

16 13. After the reductions referred to above, the number of hours spent on the
17 litigation by RSN, P.C. is 2,193. My current hourly rate is \$640 per hour, which is
18 the hourly rate charged by WHAFH to its fee-paying clients for my services. I have
19 used this hourly rate to calculate the lodestar for RSN, P.C. A breakdown of the
20 lodestar of RSN, P.C. is provided below.

21 **A. Pre-filing Investigation and Initial Complaint Drafting**

22 14. Before commencing the first of these Actions on behalf of Plaintiff
23 GMTY, and prior to WHAFH's involvement in this Action, I conducted an
24 exhaustive investigation of the history and origin of the Song. Among other things, I
25 obtained and reviewed many historical source materials, including records at the
26 New York Public Library, records at Columbia University, records of the Copyright
27 Office, records from the Library of Congress, records at the National Archive,
28 records at the New York County Surrogate's Court and books, newspapers,

1 periodicals, and manuscripts. I also purchased several original books dating back to
2 1911 to ensure the accuracy of the factual allegations in the Complaint.

3 15. I also conducted extensive legal research regarding the various
4 Copyright Acts in effect since the Song's predecessor, *Good Morning to All*, was
5 created sometime before 1893. I reviewed thousands of pages of documents related
6 to the 1909 Copyright Act, including many of the Copyright Law Revision Studies
7 that were available online at the U.S. Copyright Office.

8 16. WHAFH and I met with our clients and with Robert Brauneis, Esquire,
9 to discuss many of the issues likely to arise in the action.

10 17. I personally participated in all of these efforts, and I drafted or reviewed
11 every version of the original Complaint that was eventually filed in this Action.

12 18. The work performed by me during this phase of the litigation is
13 summarized in the chart attached hereto as Exhibit B.

14 **B. Amended Complaint Drafting**

15 19. After the initial complaints were filed, I worked cooperatively under Mr.
16 Rifkin's guidance to prosecute the Action efficiently and effectively. In coordination
17 with the other Plaintiffs' Counsel, I drafted, reviewed, and revised the various
18 consolidated and amended complaints that were filed, including the first consolidated
19 complaint in this Court as well as all subsequent amended consolidated complaints.
20 We refined these pleadings to incorporate new information that we discovered (both
21 as a result of our ongoing independent investigation and through formal discovery)
22 and to address the various (and constantly changing) factual and legal theories
23 offered by Defendants in defense of their copyright claims.

24 20. The work performed by RSN, P.C. during this phase of the litigation is
25 summarized in the chart attached hereto as Exhibit C.

26 **C. Motion to Dismiss Response**

27 21. During this phase of the litigation, I helped WHAFH develop and
28 implement Plaintiffs' successful opposition to Defendants' lengthy and complex

1 motion to dismiss. Under Mr. Rifkin's direction, I conducting legal research and
2 drafting on Plaintiffs' response papers in opposition to the motion to dismiss.

3 22. The work performed by RSN, P.C. is summarized in the chart in the
4 chart attached hereto as Exhibit D.

5 **D. Discovery**

6 23. During this phase of the litigation, I assisted WHAFH in drafting
7 multiple written discovery requests upon Defendants and non-Parties, including the
8 American Society of Composers, Authors and Publishers ("ASCAP"), Intervenor
9 The Hill Foundation ("Foundation") and multiple major motion picture studios. I
10 also continued the exhaustive informal investigation of the historical facts, including
11 inspection of original court records and documents and other information voluntarily
12 provided to us by various sources from around the world. I worked closely with
13 WHAFH to do so without duplicating efforts or incurring any unnecessary expense.

14 24. I also assisted in drafting Plaintiffs' responses to Defendants' written
15 discovery requests. Again, I worked with WHAFH to gather the factual information
16 from Plaintiff GMTY. In addition, I reviewed draft discovery submitted by other
17 Plaintiffs' Counsel, and I reviewed and edited draft discovery responses prepared by
18 other Plaintiffs' Counsel.

19 25. In addition to the documents we obtained independently from other
20 sources, I personally reviewed tens of thousands of pages of documents produced by
21 Defendants, ASCAP, non-parties, and the Foundation through formal discovery.

22 26. I also helped WHAFH prepare for and was present for the depositions of
23 two fact witnesses.

24 27. I also worked with WHAFH and Joel Sachs, Ph.D., Professor of Music
25 History at the Juilliard School in New York, to review certain of the historical
26 evidence we obtained, principally the copyrights and sheet music, and to review
27 some of Defendants' various defenses to Plaintiffs' claims.

28 28. The work performed by RSN, P.C. during this phase of the litigation is

1 summarized in the chart attached hereto as Exhibit E.

2 **E. Cross-Motions for Summary Judgment**

3 29. During this phase of the litigation, I was principally responsible for
4 preparing the Plaintiffs' Statement of Uncontroverted Facts and responding to
5 Defendants' Statement of Uncontroverted Facts. I also worked extensively with
6 Betsy Manifold in preparing the Joint Appendix as I had detailed knowledge of the
7 factual record because I had previously reviewed each and every document that was
8 produced during discovery and became a part of the Joint Appendix.

9 30. Additionally, I assisted WHAFH in conducting legal research and
10 drafted portions of the Plaintiff's summary judgment joint motion papers, which
11 involved extensive negotiation and coordination with Defendants' counsel
12 (particularly as Defendants' factual theories changed throughout the summary
13 judgment process).

14 31. After the initial hearing on the cross-motions for summary judgment, I
15 assisted WHAFH in conducting the additional legal and factual research required to
16 respond to the Court's specific inquiry regarding the issue of abandonment. I
17 assisted WHAFH in drafting, editing, and revising Plaintiffs' portion of the joint
18 supplemental response papers on the cross-motions for summary judgment.

19 32. The work performed by my firm during this phase of the litigation is
20 summarized in the chart attached hereto as Exhibit F.

21 **F. Trial Preparation**

22 33. After the Court granted partial summary judgment for Plaintiffs on the
23 basis that Defendants did not own a copyright to the Song's melody or lyrics, I
24 assisted WHAFH in preparing the case for trial. I assisted WHAFH in developing
25 Plaintiffs' trial strategies and assisted in the preparation of all the pre-trial and trial
26 materials.

27 34. WHAFH was responsible for preparing the trial exhibits and trial brief
28 for the trial, which was scheduled to begin on December 8, 2015. I worked with

1 WHAFH to help them complete Plaintiffs' Exhibit List and Witness List.

2 35. Although this work was performed simultaneously with settlement
3 negotiations (discussed in Section G below), I assisted in completing all of the
4 extensive preparations necessary for trial with the expectation that a settlement
5 would not be reached and that the case would be tried on December 15 and 16, 2015.

6 36. The work performed by my firm during this phase of the litigation is
7 summarized in the chart attached hereto as Exhibit G.

8 **G. Settlement Negotiations**

9 37. During this phase of the litigation, I assisted WHAFH in negotiating the
10 settlement with Defendants' counsel. I consulted with the Plaintiffs and with
11 WHAFH to developed Plaintiffs' settlement objectives and assisted in preparing
12 Plaintiffs' settlement strategy.

13 38. Soon after the Court granted in part Plaintiffs' motion for summary
14 judgment and denied Defendants' cross-motion for summary judgment, on October
15 28, 2015, Mr. Rifkin and I met in person with Glenn Pomerantz, Esquire, one of
16 Defendants' counsel, as directed by the Court to begin the process of exploring
17 settlement of the litigation. WHAFH and Mr. Pomerantz eventually agreed upon an
18 experienced and well-respected settlement mediator, David Rotman, Esquire, to help
19 facilitate further settlement negotiations. I also reviewed the information provided
20 by Defendants so that I could assist WHAFH in estimating the potential size of the
21 Class and the value of Plaintiffs' and the Class's claims. Furthermore, I prepared
22 detailed spreadsheets based upon records I discovered in the New York County
23 Surrogate's Court to calculate an estimate of the value of the Class's claims which I
24 provided to WHAFH.

25 39. I assisted WHAFH in preparing the mediation statement for Plaintiffs.

26 40. After lengthy preparation, Mr. Rifkin, Ms. Manifold, and I attended an
27 all-day mediation session with counsel for Defendants, counsel for the Intervenors,
28 and Mr. Rotman at his office in San Francisco on December 1, 2015. The mediation

1 session began early in the morning and lasted until late in the evening. Mr. Rotman
2 facilitated an open and frank dialog among all three Parties, and conducted several
3 private sessions with counsel for the Parties.

4 41. At the end of that lengthy process, I assisted WHAFH in analyzing the
5 settlement proposed by Mr. Rotman in his confidential mediator's proposal based on
6 the spreadsheets I had prepared.

7 42. On December 8, 2015, counsel for all the Parties notified Mr. Rotman
8 that they had accepted the material terms of a settlement contained in his confidential
9 mediator's proposal.

10 43. Thereafter, over the next two months, I assisted WHAFH in reviewing
11 and editing the Settlement Agreement with Defendants' counsel. As Mr. Rifkin states
12 in his Declaration, the process of drafting the Settlement Agreement was long,
13 arduous, and often highly contentious. Nearly every material term, and many
14 ancillary terms, was hard-fought. On more than one occasion, Defendants sought to
15 revise or re-negotiate the terms of the mediator's proposal which all Parties had
16 expressly accepted and, at the last minute, the Intervenors also sought to re-negotiate
17 a settlement term. Twice, the settlement was in jeopardy of falling apart, and we
18 were required to seek Mr. Rotman's intervention to preserve the settlement.

19 44. Ultimately, after exhaustive negotiations, the Parties executed the
20 Settlement Agreement on February 8, 2016.

21 45. The work performed by my firm during this phase of the litigation is
22 summarized in the chart attached hereto as Exhibit H.

23 **H. Settlement Approval and Administration**

24 46. During this phase of the litigation, I assisted WHAFH in obtaining
25 preliminary approval of the Settlement and final approval of the Settlement. I
26 assisted WHAFH in preparing the motion for preliminary approval of the proposed
27 settlement. I attended the preliminary approval hearing on February 29, 2016.

28 47. The work performed by my firm during this last phase of the litigation is

1 summarized in the chart attached hereto as Exhibit I.

2 48. I expect that I will continue to be involved in the final settlement
3 approval now that I have joined WHAFH as a partner and I expect to be present at
4 the final approval hearing on June 27, 2016.

5 **I. Expenses**

6 49. During the prosecution of the Action, RSN, P.C. incurred \$8,567.19 in
7 reasonable and necessary out-of-pocket expenses, summarized in the following table:

8

Expense	Amount
Meals, Hotels & Transportation	\$8,496.11
Books	\$71.08
Photocopies	\$0.00
TOTAL:	\$8,567.19

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13 50. The following is additional information regarding certain of these
14 expenses:

15 (a) Transportation, Hotels & Meals: \$8,496.11. In connection with the
16 prosecution of the case, RSN, P.C. has paid for travel expenses to attend court
17 hearings and to conduct factual research. The date, destination and purpose of
18 each trip is set forth in Exhibit J.

19 (b) Books: \$71.06. In connection with the case, I purchased six (6)
20 historical books on Amazon.com including: 1) *The Elementary Worker and*
21 *His Work* (1911 edition) for \$13.89; 2) *The Elementary Worker and His Work*
22 (1915 edition) for \$13.89; 3) *Harvest Hymns* (1924 edition) for \$7.98; 4)
23 *Children's Praise and Worship* (1928 edition) for \$12.99; 5) *The Everyday*
24 *Song Book* (14th edition) for \$11.98; and 6) *The Everyday Song Book* (4th
25 edition) for \$10.35.

26 (c) Photocopies: In connection with the case, I printed more than
27 10,000 pages of documents and scanned several thousand pages of documents.
28 However, it was not my practice to charge my clients for printing and

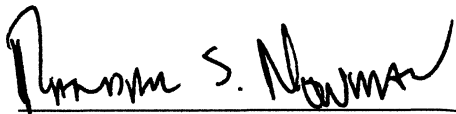
1 scanning. Therefore, I have not included any expenses related to printing and
2 scanning in my expense request.

3 51. The expenses I incurred in this Action are reflected in the books and
4 records of my firm. These books and records are prepared from credit card
5 statements, bank records and other source materials and are an accurate record of the
6 expenses incurred.

7 52. The expenses I incurred were necessary and appropriate for the
8 prosecution of this Action, all of which was at risk in this litigation. These expenses
9 are a necessary part of litigation of this magnitude and scale and were essential to
10 enable Plaintiffs' Counsel to achieve the results now before the Court.

11 53. I hereby certify, under the penalty of perjury under the laws of the
12 United States, that the foregoing statements are true and correct to the best of my
13 knowledge, information, and belief.

14 Executed this 27th day of April, 2016, at New York, New York.

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17 _____
18 RANDALL S. NEWMAN

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EXHIBIT "A"

RANDALL S. NEWMAN, P.C. FIRM RESUME

Randall S. Newman has been licensed to practice law for more than 19 years and licensed as an accountant for more than 20 years. Mr. Newman has experience representing clients in both transactional and litigation matters.

Mr. Newman has worked in the legal field for more than 30 years, starting as a docket clerk in Cleveland, Ohio at the age of 14. By the time he was 21, and before proliferation of the Internet, Mr. Newman worked full-time at what is now Squire Patton BoggsSanders LLP, one of the largest law firms in the United States doing all the paper litigation filings in Cleveland, Ohio's municipal, state and federal courts. Additionally, Mr. Newman worked part-time at Deloitte, LLP reviewing audited financial statements and he attended Cleveland State University at night and on the weekends. Mr. Newman obtained a BBA in Accounting in 1992 and worked for two seasons in public accounting.

Mr. Newman attended the University of Akron School of Law ("Akron") full-time from 1994 to 1996. During his time at Akron, Mr. Newman won the American Jurisprudence Award for Civil Procedure I and II and corporate taxation. Mr. Newman also was a member of the Akron Law Review and was ranked in the top 10 students in his class. After his second year at Akron, Mr. Newman was accepted into New York University School of Law's non-matriculated LL.M. in Taxation program and attended J.D. and LL.M. classes at NYU from 1996 to 1997. Those credits were transferred to Akron and Mr. Newman graduated *magna cum laude* from Akron in May, 1997 and obtained an LL.M. in Taxation from NYU in December, 1997.

Mr. Newman passed the California bar in July, 1997 and less than three months later, Mr. Newman passed the November, 1997 Maryland CPA exam with an average score of 93+. Mr. Newman won an award from the State of Maryland for scoring one of the top 10 scores in the state on the 1997 CPA exam.

After graduating from NYU's LL.M. in Taxation program in December, 1997, Mr. Newman worked as a transactional tax attorney until he became an associate in the New York office of Dechert, LLP ("Dechert") in 2000 litigating state and local tax cases for Dechert's corporate clients.

Mr. Newman is admitted to practice before the United States Tax Court, the United States Court of Claims, the United States District Court for the Southern District of New York, the United States District Court for the Eastern District of New York, the United States District Court for the Northern District of California, the United States District Court for the Southern District of California, the United States District Court for the Western District of California, the United States District Court for the Eastern District of California, the Court of Appeal for the Second Circuit, the Court of Appeals for the Seventh Circuit, the Court of Appeals for the Ninth Circuit and the Court of Appeals for the Federal Circuit.

While at Dechert, Mr. Newman was instrumental in the taxpayer's victory in *Carpenter Tech. Corp. v. Comm'r of Revenue Services*, 256 Conn. 455, 772 A.2d 593 (2001) before the Connecticut Supreme Court. In 2003, Mr. Newman started Randall S. Newman, P.C.

In 2004, Mr. Newman commenced an action in the Southern District of New York captioned as *Newman & Associates v. J.K. Harris & Co., LLC*, Case No. 04-cv-9264 for violation of the unfair competition provisions of the Lanham Act. Mr. Newman's firm acted as the plaintiff in that action and the action resulted in substantial changes to the claims J.K. Harris made in its advertising and resulted in an often-cited decision on the issue of discovery of documents protected by Federal Rule of Evidence 408, *Newman & Associates v. J.K. Harris & Co., LLC*, 2005 WL 3610140 (SDNY December 15, 2005). J.K. Harris ultimately paid millions in fines and restitution to the attorneys' general in at least 19 states.

In 2005, Mr. Newman commenced an action in the U.S. District Court for the Southern District of New York against the Law Offices of Roni Lynn Deutch, a California attorney for violation of the unfair competition provisions of the Lanham Act captioned as *Newman & Associates v. Law Office of Roni Deutch*, 05-cv-4789 (MGC). Once again Mr. Newman's firm acted as the plaintiff in that action. As a result of Mr. Newman's action, Ms. Deutch agreed to not accept any clients from New York State and made substantial revisions to her television advertising. Mr. Newman worked closely with the New York City Department of Consumer Affairs and assisted them in filing an action against Ms. Deutch captioned as *Comm'r Department of Consumer Affairs of the City of New York v. Roni Lynn Deutch*, Index No. 403215/2005 (New York County Supreme Court). As a result of Mr. Newman's efforts, Ms. Deutch agreed to pay the City of New York a total of \$300,000, which included \$200,000 in restitution to consumers and \$100,000 in fines. In 2010, the California Attorney General sued Ms. Deutch for

\$34 million in the Superior Court of Sacramento and Ms. Deutch is no longer eligible to practice law in the State of California.

In 2006, Mr. Newman filed a class-action complaint captioned *Brown v. American Tax Relief, LLC*, Index No. 16771/2006 in New York Supreme Court, Kings County and assisted New York City in filing a companion case captioned *Comm'r Department of Consumer Affairs of the City of New York v. American Tax Relief, LLC*, Index No. 402140/2006 (New York County Supreme Court). American Tax Relief was a Beverly Hills based company, and was a competitor of J.K. Harris and Roni Lynn Deutch. On September 24, 2010, the United States Federal Trade Commission ("FTC") obtained an *ex parte* restraining order and asset freeze against American Tax Relief in a case captioned *Federal Trade Commission v. American Tax Relief, LLC*, 10-cv-6123 filed in the U.S. District Court for the Northern District of Illinois. On January 29, 2013, the parties in the FTC action agreed to a Stipulated Final Order for Permanent Injunction and other Equitable Relief against whereby the FTC obtained a monetary judgment of \$103,387,291.62 and American Tax Relief surrendered more than \$15 million in cash.

After the J.K. Harris, Roni Lynn Deutch and American Tax Relief litigation, Mr. Newman began representing homeowners in Truth in Lending, 15 U.S.C. § 1601, *et seq.* rescission claims. The Truth in Lending litigation resulted in several reported decisions. One significant reported decision is *Glucksman v. First Franklin Financial Corp.*, 601 F.Supp.2d 511 (EDNY March 6, 2009) in which the Court held that a homeowner could be in "foreclosure" for purposes of calculating the TILA tolerance limits prior to the filing of the Summons and Complaint. Mr. Newman obtained that decision against Reed Smith, one of the top 20 largest law firms in the United States.

Many of the cases Mr. Newman initiated raise novel issues of law. For example in a case of first impression, *Decatrel v. Metro Loft Mgmt., LLC*, 2010 NY Slip Op 52350 (N.Y. Sup. Ct., 2010), the Court allowed the Plaintiff to assert a cause of action under New York's roommate law which prohibits a landlord from restricting a tenant's right to have a roommate. Another novel case Mr. Newman filed was *Maremont v. Fredman*, Case No. 10-cv-7811, in U.S. District Court for the Northern District of Illinois asserting claims under the Lanham Act in the context of social media. *Maremont* resulted in two published decisions *Maremont v. Fredman*, 772 F.Supp.2d 967 (2011) (decision on motion to dismiss) and *Maremont v. Fredman*, 2011 WL 6101949 (N.D.Ill. December 7, 2011) (decision on motion for summary judgment). *Maremont* was also widely followed by the

media and has been the subject of a Law Review Comment published on February 17, 2012 by a student at Northern Illinois University College of Law titled *Me.Com: The Growing Need for the Illinois Right of Publicity Act to Respond to Online Social Networks*.

Mr. Newman has represented several actors over movie merchandising rights including the character Scut Farkus from the 1983 movie *A Christmas Story* and Chotchkie's Waiter from the 1998 movie *Office Space*. Mr. Newman has been involved in copyright disputes over movie scripts and photographs as well as numerous consumer class action cases against companies such as Apple, Toyota Motor Credit Corporation and StubHub.

EXHIBIT B

Attorney	Hours Worked	Hourly Rate	Lodestar
Randall S. Newman	928.3	\$640	\$594,112

EXHIBIT C

Attorney	Hours Worked	Hourly Rate	Lodestar
RANDALL S. NEWMAN	56.50	\$640	\$36,160

EXHIBIT D

Attorney	Hours Worked	Hourly Rate	Lodestar
RANDALL S. NEWMAN	101.1	\$640	\$64,704

EXHIBIT E

Attorney	Hours Worked	Hourly Rate	Lodestar
RANDALL S. NEWMAN	435.60	\$640	\$278,784.00

EXHIBIT F

Attorney	Hours Worked	Hourly Rate	Lodestar
RANDALL S. NEWMAN	337.8	\$640	\$216,192

EXHIBIT G

Attorney	Hours Worked	Hourly Rate	Lodestar
RANDALL S. NEWMAN	142	\$640	\$90,880

EXHIBIT H

Attorney	Hours Worked	Hourly Rate	Lodestar
RANDALL S. NEWMAN	106.40	\$640	\$68,096

EXHIBIT I

Attorney	Hours Worked	Hourly Rate	Lodestar
RANDALL S. NEWMAN	85.3	\$640	\$54,592

EXHIBIT J

Date	Location	Purpose
10/5/13	Los Angeles, CA	Motion to Dismiss
10/31/13	Louisville, KY	Historical Research
9/15/14	Washington, DC	Meeting with consultant
10/29/14	Los Angeles, CA	Meeting of Counsel Re: Joint SJ
3/21/15	Los Angeles, CA	Summary Judgment Hearing
7/28/15	Los Angeles, CA	Summary Judgment Hearing (resumed)
11/30/15	San Francisco, CA	Mediation
2/28/16	Los Angeles, CA	Preliminary Approval Hearing