

# EXHIBIT A

## Orin Snyder



Partner

osnyder@gibsondunn.com

T: +1 212.351.2400

F: +1 212.351.6335

New York Office  
200 Park Avenue  
New York, NY 10166-0193  
USA

### PRACTICES

Litigation  
Appellate and Constitutional Law  
Crisis Management  
Information Technology  
and Data Privacy  
Intellectual Property  
Media, Entertainment  
and Technology  
Securities Enforcement  
White Collar Defense  
and Investigations

### EDUCATION

University of Pennsylvania, 1986  
*Juris Doctor*

Wesleyan University, 1983  
*Bachelor of Arts*

Orin Snyder is a litigation partner in Gibson Dunn's New York office, Vice-Chair of the Crisis Management Practice Group and co-chair of the Media, Entertainment and Technology Practice Group. He is also a member of the White Collar Defense and Investigations, Appellate and Intellectual Property Practice Groups.

Mr. Snyder is one of the nation's top trial lawyers and litigators. He is often asked by leading companies and individuals to handle their most important and sensitive matters. *Chambers USA* described Mr. Snyder as "absolutely the best – he's an aggressive, highly motivated and incredibly effective litigator" and "ultra smart and highly focused." In a survey for *The US Legal 500*, corporate counsel said, "we always use him as chief litigator," he is "great in court" and has "excellent technical skills."

Mr. Snyder is ranked as one of the best lawyers in the country by *Chambers USA: America's Leading Lawyers for Business*; *The Best Lawyers in America*; *New York Magazine's Best New York Lawyers*; *The US Legal 500*; *Benchmark Litigation: The Guide to America's Leading Litigation Firms and Attorneys*; *New York Super Lawyers 2011*; *The Hollywood Reporter: Power Lawyers 2011*; *IP Law & Business Best Lawyers In America*; and *Law360's 2011 MVP's*. In 2003, Mr. Snyder was profiled in *The American Lawyer* as one of the 45 leading lawyers in the United States under the age of 45. In 2010, Mr. Snyder was featured in *The American Lawyer* story naming Gibson Dunn "The 2010 Litigation Department of the Year."

A former federal prosecutor, Mr. Snyder is a seasoned trial lawyer with a breadth of knowledge in virtually all industry sectors. With more than 25 years of experience, Mr. Snyder has a proven track record of success across many different practice areas in courts throughout the country.

**Mr. Snyder has handled complex contract disputes, class actions, fraud cases and employment litigation for major companies, including Atari, Bertelsmann, Cablevision, Capital One, Conference USA, CNN, Daimler/Chrysler Corp., Facebook, Home Box Office, NBC Universal, Sony, Starbucks, Time Warner, Turner Broadcasting Systems, and Warner Music Group.**

- Represents Cablevision Systems Corporation and Rainbow Media in an action against DISH Network seeking more than \$2 billion in damages resulting from the termination of a long-term agreement to distribute Rainbow Media's suite of high definition "VOOM" channels.
- Represents Facebook and Mark Zuckerberg in a breach of contract action brought by an individual in federal court in Buffalo, New York, alleging an ownership interest in Facebook.
- Represents Capital One in a breach of employment case against the former Chief Executive Officer of a subsidiary in federal court in Virginia, alleging breach of a restrictive covenant.
- Obtained a rare preliminary injunction victory for NBC Universal blocking the move of one of cable TV's most popular programs, "Project Runway," to Lifetime in a decision that the *New York Times* reported "stunned parties on all sides of the deal because such injunctions are so rarely granted in entertainment industry disputes."
- Obtained dismissal of a \$100 million breach of contract case against Warner Music Group Chairman Edgar Bronfman, Jr. The dismissal was affirmed by the New York Court of Appeals in an important precedent affirming the application of the Statute of Frauds to oral contract claims.
- Secured a dismissal for Starbucks in its dispute with singer-songwriter Carly Simon over the disappointing sales for her album. Simon filed an amended complaint after the case was first dismissed by a federal court in Los Angeles. Her amended complaint was dismissed with prejudice on the grounds that Starbucks had no duty to disclose its business plans to her because she was a third party with no fiduciary, confidential or transactional relationship to Starbucks.

## ADMISSIONS

New York Bar

- Won dismissal of consolidated antitrust actions against Warner Music Group in cases challenging practices in the record promotion business.
- Won dismissal of consolidated employment discrimination cases against the popular television talk-show host Montel Williams and Paramount after persuading a federal judge that the case was based upon fraudulent allegations.

**Mr. Snyder also has represented numerous companies in significant matters involving the New York Attorney General, including Aetna, Facebook, Freddy Mac, Goldman Sachs, Vantage Properties, and Warner Music Group.**

- Represented Facebook in negotiating a groundbreaking settlement with the New York Attorney General in the area of internet safety that was hailed as a model of compliance and resulted in even more visitors to the social networking site.
- Represented Warner Music Group in negotiating an industry-changing settlement concerning the record promotion industry.
- Represents Freddie Mac in negotiating new standards for the home mortgage industry.

**Mr. Snyder has tried and litigated copyright, trade secrets, trademark, patent cases, privacy and First Amendment cases for media and technology companies, including Bertelsmann, Hachette, Harper Collins, Home Box Office, IAC/Interactive, Sony, Sharp, Time Warner, T-Mobile, and ValueClick.**

- Defended IAC/InterActiveCorp in a trade secrets misappropriation action brought in the Southern District of New York that resulted in all of the trade secrets claims being dismissed on summary judgment.
- Defended numerous technology companies, including T-Mobile, Sharp, ValueClick and Violin Memory, in trade secrets cases in courts throughout the country.
- Won a verdict at the high-profile trial of the case brought against the Estate of Jonathan Larson challenging Mr. Larson's authorship of the Pulitzer-Prize winning Broadway musical "Rent." The case resulted in the leading Second Circuit precedent defining co-authorship under the Copyright Act.
- Won summary judgment for HarperCollins and Jessica Seinfeld in a copyright infringement action involving the New York Times Number 1 Bestselling book, "Deceptively Delicious." The dismissal was affirmed by the Second Circuit.
- Litigated and tried copyright and trademark cases for Sony, Warner Music, Home Box Office, Bertelsmann and other clients that resulted in important legal precedents.
- Won an important First Amendment case that reaffirmed the libel-proof doctrine for Sony Pictures involving the film "Donnie Brasco."

**Mr. Snyder also represents well-known individuals in significant matters, including Julie Andrews, Marc Anthony, Mariah Carey, Anderson Cooper, Cindy Crawford, Bob Dylan, Phil Falcone, Nancy Grace, Elisabeth Hasselbeck, LeBron James, Kid Rock, Jennifer Lopez, Ozzy Osbourne, Sharon Osbourne, The Rolling Stones, Jerry Seinfeld, Jessica Seinfeld, Paul Simon, Bruce Springsteen, Barbara Walters, Montel Williams, and Mark Zuckerberg.**

In addition to his very public litigation work, Mr. Snyder regularly counsels clients — both corporations and senior executives — in confidential matters, including criminal and other government investigations that require expert handling of public relations. These matters include whistleblower cases, fraud investigations, FCPA and money laundering, obstruction of justice, insider trading, tax fraud and allegations of personal misconduct.

Mr. Snyder also has handled numerous internal investigations involving alleged insider trading, bank fraud, mail and wire fraud, tax evasion and alleged sexual harassment and discrimination in the workplace.

Mr. Snyder also represents, and has represented, numerous non-profit institutions, including Lincoln Center for the Performing Arts, Intrepid Air and Space Museum, Susan G. Koman for the Cure, The Andy Warhol Foundation for the Visual Arts, The Larson Foundation and The Museum of the American Indian.

Before joining Gibson Dunn, Mr. Snyder was a name partner at Parcher, Hayes & Snyder, a prominent litigation boutique firm. He also served as an Assistant United States Attorney in the United States Attorney's Office for the Southern District of New York, where he prosecuted organized crime and

white collar crime cases and served as Chief of the Narcotics Unit. As a federal prosecutor, Mr. Snyder handled one of the largest pension fund fraud prosecutions ever brought by the U.S. Department of Justice.

Mr. Snyder is active in the community and in public affairs. Most recently, he was selected to serve on the Transition Committee of New York Attorney General Eric Schneiderman.

Mr. Snyder earned his Juris Doctor at the University of Pennsylvania Law School *cum laude* in 1986, and his Bachelor of Arts degree from Wesleyan University, where he was elected to Phi Beta Kappa and graduated with high honors in 1983.

## Thomas H. Dupree Jr.



Partner

[tdupree@gibsondunn.com](mailto:tdupree@gibsondunn.com)

T: +1 202.955.8547

F: +1 202.530.9670

Washington, D.C. Office  
1050 Connecticut Avenue, N.W.  
Washington, DC 20036-5306  
USA

### PRACTICES

Litigation

Appellate and Constitutional Law

Transnational Litigation  
and Foreign Judgments

### EDUCATION

University of Chicago, 1997  
*Juris Doctor*

Williams College, 1992  
*Bachelor of Arts*

### ADMISSIONS

District of Columbia Bar

Thomas H. Dupree, Jr. is a partner in the Washington, DC office of Gibson, Dunn & Crutcher LLP, where he is a member of the firm's litigation department and its Appellate and Constitutional Law practice group. Mr. Dupree also serves on the firm's Executive Committee and is the hiring partner for the DC office.

Mr. Dupree is an experienced trial and appellate advocate. He has argued more than 60 appeals in the federal courts, including in all thirteen circuits and before five en banc courts, and has represented clients throughout the country in a wide variety of trial and appellate matters, including cases involving punitive damages, class actions, product liability, arbitration, intellectual property, employment, and constitutional challenges to federal and state statutes.

In 2007, Mr. Dupree was appointed Deputy Assistant Attorney General. He served in the Civil Division at the U.S. Department of Justice from 2007 to 2009, ultimately becoming the Principal Deputy Assistant Attorney General. In that capacity, he served as the division's second-in-command, overseeing the more than 900 lawyers in the Civil Appellate, Commercial, Federal Programs and Torts branches, as well as the Office of Immigration Litigation and the Office of Consumer Litigation. Mr. Dupree was responsible for managing many of the government's most significant cases involving regulatory, commercial, constitutional and national security matters on behalf of virtually all of the federal agencies, the White House, and senior federal officials. Before being named the division's top deputy, Mr. Dupree ran its largest litigating branch, managing a staff of 280 lawyers.

In 2010, Mr. Dupree was named one of the top ten appellate litigators in the United States under age 40 by *Law360*. He received similar honors in 2009, when the *National Law Journal* and *Legal Times* selected him as one of the top 40 lawyers under 40 in Washington, DC, and in 2006, when *Washingtonian* magazine named him to its Top 40 Under 40 list. He has also been chosen as a national rising star by *Lawdragon* magazine, and *Legal Times* has called him "no stranger to high-profile work." Among other things, Mr. Dupree played a substantial role in the successful representation of George W. Bush before the United States Supreme Court in *Bush v. Gore*, and represented Time Inc. and Time's White House reporter Matthew Cooper in connection with the investigation into the leak of the identity of CIA operative Valerie Plame.

Other matters Mr. Dupree has handled include:

- Persuading the Supreme Court to grant a petition for certiorari on behalf of a major automobile manufacturer and to vacate a \$290 million punitive damage award, which had been the largest personal injury award ever affirmed on appeal in United States history.
- Successfully representing the government before the United States Court of Appeals for the Second Circuit in a constitutional challenge to post-9/11 national security registration programs operated by the Department of Homeland Security.
- Winning an appeal on behalf of Jerry and Jessica Seinfeld in the United States Court of Appeals for the Second Circuit in a copyright and trademark case involving the New York Times #1 bestselling book *Deceptively Delicious*.

Mr. Dupree appears frequently on national television as a legal analyst. He is a regular guest on Fox News Channel, and has appeared on CNN's "Situation Room" and C-Span's "America & The Courts," among other programs. He has also been quoted in numerous print publications, including the *New York Times*, the *Wall Street Journal*, the *Washington Post*, the *Los Angeles Times* and many others, discussing legal issues and developments. In 2011, Mr. Dupree testified before the Judiciary Committee of the U.S. House of Representatives concerning the constitutional limits on the President's detention authority.

Mr. Dupree graduated *cum laude* from Williams College, and with Honors from the University of Chicago Law School, where he served as an Editor of the *University of Chicago Law Review*. After law school, he clerked for the Honorable Jerry E. Smith of the United States Court of Appeals for the Fifth Circuit.

## Alexander H. Southwell



### Partner

asouthwell@gibsondunn.com

T: +1 212.351.3981

F: +1 212.351.6281

New York Office  
200 Park Avenue  
New York, NY 10166-0193  
USA

### PRACTICES

#### Litigation

Appellate and Constitutional Law

Crisis Management

Electronic Discovery  
and Information Law

Information Technology  
and Data Privacy

Intellectual Property

Securities Enforcement

Securities Litigation

White Collar Defense  
and Investigations

### EDUCATION

New York University, 1997  
*Juris Doctor*

Princeton University, 1993  
*Bachelor of Arts*

Alexander H. Southwell is a partner in Gibson, Dunn & Crutcher's New York office. His practice focuses in two main areas: first, white-collar criminal and regulatory enforcement defense, internal investigations, compliance monitoring, and complex civil litigation; and, second, information technology and data privacy-related investigations, counseling, and litigation. Mr. Southwell is a Co-Chair of the firm's Information Technology and Data Privacy practice group and is also a member of the White-Collar Defense and Investigations, Crisis Management, Securities Enforcement, and Litigation practice groups. Prior to joining the firm, Mr. Southwell served as an Assistant United States Attorney in the United States Attorney's Office for the Southern District of New York.

Mr. Southwell is an experienced trial and appellate attorney and regularly represents corporate executives and individuals in connection with white-collar criminal investigations and prosecutions by federal and state prosecutors as well as related civil investigations by a wide range of regulators. Mr. Southwell also regularly represents companies and boards in these types of matters and has significant experience in conducting internal corporate investigations and compliance monitoring. Substantively, his areas of expertise include securities and accounting fraud, tax fraud, health care fraud and compliance, Foreign Corrupt Practices Act, and public corruption, among others. Additionally, Mr. Southwell counsels a variety of clients on privacy, information technology, data breach, theft of trade secrets and intellectual property, computer fraud, national security, and network and data security issues, including handling investigations, enforcement defense, and litigation.

### Recent significant engagements include:

- Represents Chevron Corporation defending against environmental claims emanating from Ecuador, in which the plaintiffs allege billions of dollars in damages, including in civil RICO proceedings in the Southern District of New York and related matters.
- Represents a leading financial institution in internal investigation and defense of civil fraud investigation related to mortgage-related government insurance program.
- Represented a major retailer in an internal investigation and defense of grand jury investigation and OSHA investigation related to workplace incident.
- Represents Facebook and Mark Zuckerberg in a high-profile breach of contract action brought by Paul Ceglia in Federal Court in Buffalo, New York alleging an ownership interest in Facebook.
- Represents a public reinsurance company in an internal investigation related to allegations of collusion and price-fixing.
- Represents a major educational non-profit institution in a significant investigation by the New York Attorney General's Office concerning the institution's governance.
- Represents Moneygram in proceedings seeking to recover losses from funds forfeited in related criminal bank fraud prosecution.
- Assisted Gibson Dunn partner who served as Independent Monitor for a medical device company pursuant to a Deferred Prosecution Agreement with the United States Attorney's Office in New Jersey, including revising health care compliance policies and training and ensuring compliance with the Anti-Kickback Statute and other relevant health care laws, regulations, and corporate policies.
- Represented a private equity principal and fund in the public corruption "pay to play" investigation being conducted by the New York Attorney General's Office and the Securities and Exchange Commission.
- Represented an investment bank in a securities fraud investigation by the New York Attorney General's Office, the Securities and Exchange Commission, and Department of Justice.

---

**ADMISSIONS**

---

New York Bar

---

**RECENT PUBLICATIONS**

---

2011 Trade Secrets Litigation Round-Up

SEC Issues Interpretive Guidance on Cybersecurity Disclosures Under U.S. Securities Laws

Webcast: Ignorance Is Not an Option: Environmental Compliance and Criminal Liability

Webcast: Key Issues in E-Commerce M&A Transactions

French Data Protection Authority Announces Increased Inspections for Compliance with French and European Union Data Privacy Requirements

- Represents a dermatologist who is the target of a criminal health care fraud investigation being conducted by the Federal Bureau of Investigation and the Southern District of New York United States Attorney's Office.
- Represented a former executive at an accounting firm in connection with a tax shelter-related investigation by the Southern District of New York United States Attorney's Office.
- Represented a home health aide provider who was under criminal Indictment on health care-related larceny charges brought by the New York Attorney General's Office.
- Represented Facebook in an investigation into its privacy and safety policies and procedures by the New York Attorney General's Office, which resulted in a groundbreaking settlement that has been hailed as a model of compliance.

Prior to joining the firm, Mr. Southwell served as an Assistant United States Attorney in the United States Attorney's Office for the Southern District of New York from 2001 through 2007. As a member of that office's Securities and Commodities Fraud Task Force for three years, Mr. Southwell investigated and prosecuted a wide range of cases under the federal securities laws, including accounting fraud, insider trading, fraudulent offering of securities, market manipulation, and hedge fund improprieties. Mr. Southwell also focused on investigating and prosecuting computer hacking and intrusion cases and intellectual property offenses, as well as other high-technology offenses. Additionally, Mr. Southwell prosecuted a range of cases including wire and mail frauds, insurance fraud, public corruption, Foreign Corrupt Practice Act violations, bank secrecy act violations, identity theft, firearms crimes, tax offenses, child exploitation, and immigration crimes. As a federal prosecutor, Mr. Southwell tried a dozen felony cases and handled over a dozen appeals before the Second Circuit Court of Appeals.

Mr. Southwell is also an Adjunct Professor of Law at Fordham University School of Law where he teaches a seminar on cyber-crimes, covering computer misuse crimes, intellectual property offenses, the Fourth Amendment in cyber-space, computer evidence at trial, data breach and privacy issues, and information security, among other areas.

Mr. Southwell earned his undergraduate degree, *magna cum laude*, from Princeton University and his Juris Doctor, *magna cum laude*, from New York University School of Law. Following law school, Mr. Southwell was a Law Clerk for the Honorable Naomi Reice Buchwald of the United States District Court for the Southern District of New York.

Mr. Southwell also serves on the Firmwide Diversity Committee and is active with the Federal Bar Council and the Association of the Bar of the City of New York, serving on the Association's Professional Responsibility Committee and previously serving on the Committee on Information Technology Law and the Government Ethics Committee.

## Matthew Benjamin



Associate Attorney  
mbenjamin@gibsondunn.com

T: +1 212.351.4079

F: +1 212.351.6279

New York Office  
200 Park Avenue  
New York, NY 10166-0193  
USA

### PRACTICES

Litigation  
Appellate and Constitutional Law  
White Collar Defense  
and Investigations

### EDUCATION

New York University, 2006  
*Juris Doctor*

Yale University, 2003  
*Bachelor of Arts*

### ADMISSIONS

New York Bar

Matthew Benjamin is an associate in the New York office of Gibson, Dunn & Crutcher. He practices in the firm's Litigation Practice Group and also serves on the firm's Community Affairs Committee and Diversity Committee.

Mr. Benjamin's practice focuses on white collar criminal defense, internal and regulatory investigations, and complex commercial litigation. He has represented corporate and individual clients in the financial services, health care, technology, and construction and manufacturing industries. Mr. Benjamin's pro bono work includes matters related to immigration and veterans law.

Mr. Benjamin received his Juris Doctor degree in 2006 from New York University School of Law, where he served as an Executive Articles Editor for the *Annual Survey of American Law* and research assistant to Professor Amy Adler. He graduated *cum laude* from Yale College with a Bachelor of Arts in the History of Art in 2003.

In 2011, Mr. Benjamin was recognized in *Super Lawyers New York* magazine as a Rising Star in litigation.

From 2008 to 2009, Mr. Benjamin served as a law clerk to the Honorable George Z. Singal in the United States District Court for the District of Maine.

Mr. Benjamin is admitted to practice in the State of New York, and before the United States District Courts for the Southern and Eastern Districts of New York.

### Publications:

- "Losing Ground: In Search Of A Remedy For The Over Emphasis On Loss And Other Culpability Factors In The Sentencing Guidelines For Fraud And Theft," *PENumbra*, December 2011.
- "Going It Alone: The Cost of Unilateral Law Enforcement," *Business Crimes Bulletin*, June 2008.
- "Possessing Pollution," 31 *N.Y.U. Rev. L. & Soc. Change* 733 (2007).



## Amanda Aycock



Associate Attorney  
[aaycock@gibsondunn.com](mailto:aaycock@gibsondunn.com)

T: +1 212.351.2347

F: +1 212.351.5247

New York Office  
200 Park Avenue  
New York, NY 10166-0193  
USA

---

### EDUCATION

University of Pennsylvania, 2010  
*Juris Doctor*

University of Pennsylvania, 2007  
*Bachelor of Arts*

---

### ADMISSIONS

New York Bar

Amanda Aycock is an associate in the New York office of Gibson, Dunn & Crutcher. She is a member of the firm's Litigation Practice Group.

Ms. Aycock graduated in 2010 with joint degree, consisting of a Juris Doctor, *cum laude*, from the University of Pennsylvania Law School and a French Master, *cum laude*, in Droit et globalisation économique, sponsored jointly by the Université Paris 1 Panthéon-Sorbonne (Paris 1) and the Institut d'Études Politiques (Sciences Po). While at Penn Law, she was a Levy Scholar and an Associate Editor of the *University of Pennsylvania Journal of International Law*. Ms. Aycock received her Bachelor of Arts in Comparative Literature and French from the University of Pennsylvania in 2007, where she graduated *magna cum laude* and with distinction in Comparative Literature.

Ms. Aycock is admitted to practice in the State of New York.