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9 *Lead Counsel for Direct Purchaser Plaintiffs*

10  
11 **UNITED STATES DISTRICT COURT**  
12 **NORTHERN DISTRICT OF CALIFORNIA**  
13 **SAN FRANCISCO DIVISION**

14 IN RE: CATHODE RAY TUBE (CRT)  
15 ANTITRUST LITIGATION

Master File No. 07-CV-5944-JST

MDL No. 1917

16 This Document Relates to:

17 *Crago, d/b/a Dash Computers, Inc., et al. v.*  
18 *Mitsubishi Electric Corporation, et al., Case*  
19 *No. 14-CV-2058-JST.*

**DECLARATION OF TERRY GROSS IN  
SUPPORT OF DIRECT PURCHASER  
PLAINTIFFS' APPLICATION FOR  
ATTORNEYS' FEES AND EXPENSES AND  
INCENTIVE AWARDS**

20 Date: June 8, 2017

Time: 2:00 p.m.

Judge: Honorable Jon S. Tigar

21 Courtroom: 9

1 I, TERRY GROSS, declare:

2 1. I am a partner of Gross & Belsky P.C., Counsel for Direct Purchaser Plaintiffs  
3 (“DPPs” or “Plaintiffs”) in this action. I submit this declaration in support of DPPs’ joint  
4 Application for Attorneys’ Fees and Expenses and Incentive Awards (“Fees and Expense  
5 Application”) in connection with the services rendered in this litigation. I make this declaration  
6 based on my personal knowledge and if called as a witness, I could and would competently testify  
7 to the matters stated herein.

8 2. My firm has served as counsel to plaintiff Orion Home Systems, LLC and as  
9 counsel for the Class throughout the course of this litigation. The background and experience of  
10 GROSS & BELSKY P.C. and its attorneys are summarized in the curriculum vitae attached hereto  
11 as **Exhibit A**.

12 3. The law firm of GROSS & BELSKY P.C. has prosecuted this litigation solely on a  
13 contingent-fee basis, and has been at risk that it would not receive any compensation for  
14 prosecuting claims against the defendants. While GROSS & BELSKY P.C. devoted its time and  
15 resources to this matter, it has foregone other legal work for which it would have been  
16 compensated.

17 4. During the pendency of the litigation, GROSS & BELSKY P.C. performed the  
18 following work: conducted factual investigation; assisted in brief writing, analysis, and legal  
19 research for numerous pleadings including discovery disputes with Mitsubish concerning privilege  
20 issues; provided strategic advice; and made court appearances.

21 5. Attached hereto as **Exhibit B** is my firm’s total hours and lodestar, computed at  
22 historical rates, from the inception of DPPs’ case against the Mitsubishi Electric Defendants and  
23 the Thomson Defendants (Case No. 14-CV-2058-JST, filed May 5, 2014) through October 31,  
24 2016. The total number of hours spent by GROSS & BELSKY P.C. during this period of time was  
25 133.8 with a corresponding lodestar of \$ 94,467.50. This summary was prepared from  
26 contemporaneous, daily time records regularly prepared and maintained by GROSS & BELSKY  
27 P.C.. The lodestar amount reflected in Exhibit B is for work assigned by Lead Counsel, and was  
28

1 performed by professional staff at my law firm for the benefit of the DPP Class. None of these  
2 hours were included in connection with DPPs' first fee and expense application (ECF No. 4055).

3 6. The hourly rates for the attorneys and professional support staff in my firm included  
4 in Exhibit B are the usual and customary hourly rates charged by GROSS & BELSKY P.C.

5 7. GROSS & BELSKY P.C. has expended a total of \$ 62.68 in unreimbursed costs and  
6 expenses in connection with the prosecution of DPPs' case against the Mitsubishi Electric  
7 Defendants and the Thomson Defendants. These costs and expenses are broken down in the chart  
8 attached hereto as **Exhibit C**. They were incurred on behalf of DPPs by GROSS & BELSKY P.C.  
9 on a contingent basis and have not been reimbursed. The expenses incurred in this action are  
10 reflected on the books and records of my firm. These books and records are prepared from expense  
11 vouchers, check records and other source materials and represent an accurate recordation of the  
12 expenses incurred. None of these expenses were included in connection with DPPs' first fee and  
13 expense application (ECF No. 4055).

14 8. I have reviewed the time and expenses reported by GROSS & BELSKY P.C. in this  
15 case which are included in this declaration, and I affirm that they are true and accurate.

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

18 Executed on March 23, 2017 at San Francisco, California.

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20 /s/ Terry Gross  
Terry Gross

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**ATTESTATION**

I, R. Alexander Saveri, hereby attest, pursuant to United States District Court, Northern District of California Civil Local Rule 5-1(i)(3), that concurrence to the filing of this document has been obtained from the signatory hereto.

By:     /s/ R. Alexander Saveri      
R. Alexander Saveri

# EXHIBIT A

## GROSS & BELSKY P.C.

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San Francisco, California 94105  
Tel: (415) 544-0200 | Fax: (415) 544-0201

Gross & Belsky P.C. is a general practice, public interest law firm located in San Francisco, California. The firm has earned a national reputation in constitutional, international, intellectual property law, and class actions, deploying creative and winning legal strategies, and high caliber academic and professional achievement. The firm's work is distinctive and varied, ranging from intellectual property and Internet law, media law, including plaintiffs' defamation and privacy, constitutional law and entertainment law, to plaintiffs' class actions for consumer fraud and antitrust violations, complex litigation, international law and commercial litigation. The firm practices in both trial and appellate courts and has diverse clientele, including foreign governments and national corporations. The bulk of the practice focuses on the representation of individuals and small companies across a spectrum of litigation.

### PRACTICE AREAS

#### **Class actions**

The firm represents the rights of consumers in class actions, primarily those involving consumer fraud or antitrust violations. The firm holds or has held leadership roles in the following cases:

Chair, Indirect Purchaser Plaintiffs' Executive Committee, *DRAM Antitrust Litigation* (U.S. District Court, San Francisco), and Co-Liaison Counsel (California Superior Court, San Francisco), a nationwide class action concerning price-fixing of computer memory;

Liaison Counsel for the end-user class, *In re Automotive Paint Antitrust Action* (California Superior Court, Alameda), recovering \$10 million for price-fixing in automotive paint;

Liaison Counsel and Settlement Class Counsel, *Perish v. Intel Corp.* (California Superior Court, Santa Clara), a consumer fraud class action;

Co-Chair of the Steering Committee, *Microsoft Antitrust Class Action Litigation* (California Superior Court, San Francisco), an antitrust action based on Microsoft's monopolization of the personal computer operating system and software market, which recovered \$1.1 billion for California consumers;

Co-Lead Counsel, *Lea v. Pacific Bell* (California Superior Court, San Francisco), a consumer fraud and unfair competition class action;

Executive Committee and co-trial and appellate counsel, *Wisper v. Old Republic Title Company* (California Superior Court, San Francisco), an unfair competition and consumer fraud class action resulting in a \$21 million recovery after trial, affirmed on appeal;

Co-Liaison Counsel, *The Carbon Fiber Cases* (California Superior Court, San Francisco), a class action for price-fixing in the sale of carbon fiber products.

Executive Committee, *Flat Glass Antitrust Litigation, Sanitary Paper Antitrust Litigation, Vitamin Cases Antitrust Litigation, and Cosmetics Antitrust Litigation*, antitrust

actions challenging price-fixing in the glass, sanitary paper, cosmetics and vitamin industries; Executive Committee, *Providian Credit Card Cases* (California Superior Court, San Francisco), an unfair competition, false advertising and consumer fraud action; and Executive Committee, *The Clergy III Cases* (California Superior Court, Alameda), a consolidated proceeding involving clergy abuse cases against all Roman Catholic dioceses in northern California.

The firm is also counsel in numerous class actions challenging price-fixing, particularly in the technology and travel industries, including:

*In re Flash Memory Antitrust Litigation;*  
*In re TFT-LCD (Flat Panel) Antitrust Litigation;*  
*In re Cathode Ray Tube (CRT) Antitrust Litigation;*  
*In re Static Random Access Memory (SRAM) Antitrust Litigation;*  
*In re Air Cargo Shipping Services Antitrust Litigation;*  
*In re International Air Transportation Surcharge Antitrust Litigation;*  
*In re Chocolate Confectionary Antitrust Litigation;*  
*In re Vitamin Cases*  
*Cosmetics Antitrust Litigation*  
*Automobile Antitrust Cases*  
*Smokeless Tobacco Antitrust Litigation*  
*Polyester Staple Cases*

### **Constitutional law**

The firm represents individuals and companies on constitutional issues, primarily in the areas of free speech, police misconduct, freedom of religion, and due process. Recent highlights include representing two different photo-journalists in cases against the police concerning media access to and ability to cover breaking news events; providing successful pro bono representation to an internet journalist sued by Apple for trade secret misappropriation where the journalist was reporting newsworthy information lawfully obtained through normal newsgathering techniques; and representing individuals in police misconduct civil rights actions. Members of the firm were lead counsel in a First Amendment and equal protection challenge to the large-scale relocation of Navajo elders from their ancestral homelands at Big Mountain, Arizona; successfully challenged Pan American World Airways' policy during the first Gulf War against granting passage to any Iraqi nationals; represented the widow of Salvador Allende, the slain president of Chile, in the first successful challenge to the government's ideological exclusion policy; represented Muslim inmates in a successful appeal in a religious discrimination case; and serve as special counsel in criminal cases on constitutional issues such as double jeopardy and free speech. Members of the firm have represented non-traditional religions in actions implicating religious freedom, due process and improper government activity, including representing a channeler accused of copyright infringement, precipitating a First Amendment defense, and actively represents victims of clergy abuse. Mr. Gross has engaged in significant complex litigation nationally on behalf of private clients and civil liberties organizations, including the National Emergency Civil Liberties Committee, the Bill of Rights Foundation, and the Electronic Frontier Foundation.

### **Intellectual property**

The firm has an active practice in trademark, copyright, trade secrets, unfair competition, and other intellectual property rights, including the interplay of such rights with the Internet. As co-counsel with the Electronic Frontier Foundation, the firm defended Reverend Billy, an anti-consumerism activist, against copyright infringement claims. As General Counsel to Burning Man, the internationally known arts and community event, the firm has represented the event in litigation over the event's trademarks, successfully defeating competing claims to the marks, and regularly has advised and represented Burning Man in both negotiations and litigation concerning trademark, copyright and privacy issues. Other representative engagements include successfully representing an Internet journalist wrongfully sued by Apple Computer for trade secret misappropriation; representing The New York Times and several Business Week journalists against Hewlett-Packard, seeking and obtaining damages when HP illegally obtained private telephone records of the journalists in an attempt to learn the trade secrets of the identities of the journalists' sources; representing the estate of Norma Millay Ellis relating to the sale of the literary properties of Edna St. Vincent Millay; and litigation relating to the sublicense of patent rights and contract negotiations for the sale of biotechnology development rights for a French biotechnology company. The firm, representing Quokka Sports, Inc. and the America's Cup, obtained an injunction against a cybersquatter on the *americascup.com* domain name, in one of the first cases filed under the Anticybersquatting Consumer Protection Act. The firm represented the Republic of South Africa concerning the domain name *southafrica.com*, and before the World Intellectual Property Organization and ICANN.

### **International law**

The firm represents public and private clients on international law issues. The firm has an active practice in defending sovereign nations against private party lawsuits and attempts to execute on sovereign property, as well as in enforcing judgments against foreign nations. The firm represented the Bolivian national telephone company and, in proceedings in New York and London, successfully overturned attachment orders seizing the telephone company's assets, issued after it had been nationalized. In representation of Cuba's national telephone company, the firm successfully overturned the attempted garnishment of the telephone company's assets to satisfy a judgment against the Republic of Cuba. The firm represented the Ukrainian space agency in defending against execution of an arbitration award based on a failed satellite launch. The firm represented the Republic of South Africa concerning the domain names *southafrica.com* and *southafrica.info*. The firm represents and advises other sovereign and quasi-sovereign entities on issues of sovereignty and constitutional law. Members of the firm have represented foreign companies in contract negotiations with U.S. companies and in matters relating to their U.S. subsidiaries. The firm has an active practice in providing advice and obtaining licenses for transactions with countries subject to trading restrictions.

### **Media law/defamation**

The firm represents plaintiffs in defamation and privacy actions against national and local news media. The firm also actively represents clients prior to the publication of potentially inflammatory articles in negotiations with news media to ensure that inaccurate information is not published. Representative engagements include the joint representation of Spike Lee in obtaining a preliminary injunction against Viacom for



infringing on Spike Lee's right of publicity when it used his name for a cable channel; the joint representation of Gianni Versace s.P.a. and the Versace family in successfully stopping the publication of a defamatory book that also invaded the Versace family's privacy; obtaining a significant settlement on behalf of child abuse victims who testified at the criminal trial of their abuser, from two television stations that broadcast images identifying the victims; advising the Burning Man arts and performance festival on a variety of media issues, including against MTV, where the firm successfully precluded the planned broadcast of footage taken at the Burning Man event without Burning Man's consent, and against Voyeur Video, where the firm forced a video company that was distributing videos of Burning Man participants without Burning Man's permission to cease all such distribution and destroy all videos; the representation of a colleague of Bertrand Russell in a defamation action that resulted in the recall of all copies of the offending book; and representation of O.J. Simpson in a suit to prevent the broadcast of a movie based on improperly obtained attorney-client communications. In a special appointment by the California Attorney General, the firm represented the People of California and the listeners of Pacifica Radio in successfully overturning a takeover of the Pacifica corporation. The firm also advises media entities and authors on defamation and libel clearance. The firm regularly represents journalists and authors in areas concerning their work and their employment by media entities.

#### **Commercial litigation and transactions**

The firm engages in general commercial litigation on behalf of private clients. Members of the firm have represented foreign banks, primarily government-owned, in litigation involving suits against the banks, as well as in litigation for the banks against borrowers to recover funds; represented borrowers suing banks for nonperformance; and advised borrowers and assisted in negotiations with their lenders in revising the terms of credit. The firm regularly represents corporate clients in breach of contract litigation, for example, obtaining a \$26 million interim award in an international commercial arbitration. The firm regularly advises clients in seeking and negotiating business resolutions to disputes short of litigation.

#### **Entertainment law**

The firm represents authors, musicians, artists, circus performers and their agents in negotiating contracts, including contracts for performance, publication, and sale of motion picture and television rights. Representative clients have included Spike Lee (obtained an injunction against the use of his name for the name of a cable channel), and Robin Finck, lead guitarist for the bands Guns 'N Roses and Nine Inch Nails.

#### **Employment law**

The firm actively represents both employers and employees in suits for employment discrimination, wrongful termination, and sexual harassment. The firm also provides counseling with respect to matters of hiring, compensation and severance.

#### **Appellate**

The firm represents and advises clients in civil and criminal state appellate proceedings at the federal and state levels. Significant representations include overturning the conviction of a wrongfully convicted indigent defendant because the conviction was based on improperly admitted evidence of poverty, *United States v. Mitchell*, 172 F.3d 1104 (9<sup>th</sup> Cir. 1999); overturning the attempted garnishment of a Cuban telephone

company's assets to satisfy a judgment against the Republic of Cuba, *Alejandro v. Republic of Cuba*, 183 F.3d 1277 (11<sup>th</sup> Cir. 1999); upholding dismissal of a lawsuit against the Republic of South Africa that sought a declaration that South Africa has no rights to the internet domain name *southafrica.com*, *Virtual Countries, Inc. v. Republic of South Africa*, 300 F.3d 230 (2d Cir. 2002); and upholding a trial award of \$21 million in a consumer fraud class action, *State v. Pricewaterhouse Coopers LLP*, 125 Cal. App. 4<sup>th</sup> 1219 (2005).

### **Sexual Abuse and Clergy Abuse**

The firm represents victims of sexual abuse and clergy abuse in litigation against their abusers. The firm was a member of the Plaintiffs' Executive Committee in the coordinated litigation of all cases in northern California against the Roman Catholic Church for childhood sexual abuse by clergy members, and actively represents other individual plaintiffs in matters involving childhood sexual abuse and abuse by clergy of other faiths.

### **Probate litigation**

The firm represents both claimants and personal representatives in estate and trust litigation, including will contests and claims against estates.

### **Mediation/alternative dispute resolution**

Mr. Gross and Mr. Belsky provide mediation services and regularly assist in obtaining settlements in diverse lawsuits, including class actions, trade secrets, wrongful termination, labor, commercial, and real estate matters.

## **ATTORNEY BIOGRAPHIES**

### **TERRY GROSS**

Throughout his career, Mr. Gross has engaged in significant complex litigation nationally on behalf of both private clients and civil liberties organizations, including the National Emergency Civil Liberties Committee and the Bill of Rights Foundation, in matters ranging from private commercial disputes to actions implicating important constitutional issues. He has been named a Northern California Super Lawyer.

Mr. Gross has an extensive focus on the changing face of copyright, trademark and media law in the digital age. Mr. Gross' first degree and career was in computer science and his experience as a systems programmer for IBM, a systems analyst at University of California Medical Center and as the director of data processing for a local governmental agency gave him early expertise in the developing computer field. Since that time, and aided by his educational and professional experience, Mr. Gross has been an active force in the field of Internet law. He was the first general counsel to the Electronic Frontier Foundation, a civil liberties organization focusing on first amendment issues surrounding Internet-based technology. Recently, he represented Think Secret, an online journalist improperly sued by Apple for trade secret misappropriation, counterattacking by seeking sanctions against Apple for filing a lawsuit without merit, as under the First Amendment publishers and journalists have the right to disseminate information lawfully obtained by them. He has successfully defended an internet service provider sued by a software industry group for copyright infringement, represents content providers in negotiations with networks, and litigates jurisdictional issues raised by Internet activity.

Mr. Gross has extensive experience in matters of intellectual property. As General Counsel to Burning Man, the internationally known arts festival, he has negotiated, advised and litigated numerous trademark, copyright and privacy matters on its behalf, including a successful defense of a lawsuit challenging the event's major trademarks. Other significant engagements include representation of one of the world's largest watch manufacturers in a trademark infringement action; the Estate of Norma Millay Ellis relating to the sale of the literary properties of Edna St. Vincent Millay; and a French biotechnology company in litigation relating to the sublicense of patent rights, and in contract negotiations about the sale of biotechnology development rights. Mr. Gross actively advises and litigates on trademark and copyright issues. He also represents authors, artists, performers and their agents in negotiating contracts for publication, performance, and sale of motion picture and television rights.

Mr. Gross regularly represents journalists and media organizations. In 2008, he represented The New York Times and several Business Week journalists against Hewlett-Packard, seeking and obtaining damages when HP illegally obtained private telephone records of the journalists in an attempt to learn the trade secrets of the identities of the journalists' sources. He is currently representing two photojournalists in lawsuits against the police concerning media access to and ability to cover breaking news events. He also advises media entities on defamation and libel clearance, and actively represents plaintiffs in defamation cases involving national and local news media. Mr. Gross represents clients prior to the publication of potentially inflammatory articles in negotiations with news media to ensure the publication of accurate information.

Mr. Gross has a varied practice in public international law. He recently represented the national telephone company of Bolivia, and in proceedings in New York and London successfully overturned attachment orders of the telephone company's assets, issued after the

telephone company had been nationalized. Among other engagements, he has been lead counsel and adviser to the Republic of Panama, its agencies and its Mission to the United Nations; represented the Cuban national telephone company and successfully overturned the attempted garnishment of its assets to satisfy a judgment against the Republic of Cuba; and represented the Republic of South Africa in lawsuits concerning Internet activity and domain names. Mr. Gross represents foreign companies in contract negotiations with U.S. companies and in matters relating to their U.S. subsidiaries, and provides advice and obtains licenses for transactions with countries subject to trading restrictions.

Mr. Gross is also active in class action cases, predominantly in the areas of antitrust and consumer fraud, including the following: Chair, Indirect Purchaser Plaintiffs' Executive Committee, In re DRAM Antitrust Litigation, a nationwide class action concerning price-fixing of computer memory; Liaison Counsel for the end-user class, In re Automotive Paint Antitrust Action, recovering \$10 million for price-fixing in automotive paint; Liaison Counsel and Settlement Class Counsel, *Perish v. Intel Corporation*, a winning consumer fraud class action; Co-Chair of the Steering Committee, Microsoft Antitrust Class Action Litigation, based on Microsoft's monopolization of the personal computer operating systems and software market; Co-Lead Counsel, *Lea v. Pacific Bell*, a consumer fraud and unfair competition class action; Executive Committee, Old Republic Title Company Class Action Litigation, an unfair competition and consumer fraud class action; Executive Committee, Flat Glass Antitrust Litigation, Sanitary Paper Antitrust Litigation, Vitamin Cases Antitrust Litigation, and Cosmetics Antitrust Litigation, antitrust actions challenging price-fixing in the glass, sanitary paper, cosmetics and vitamin industries; Executive Committee, Providian Class Action Litigation, an unfair competition, false advertising and consumer fraud action; counsel, In re Airline Ticket Commission Antitrust Litigation, an antitrust action that challenged the airlines' reduction of travel agent commissions, resulting in an \$87 million settlement; and counsel in numerous class actions challenging price-fixing, particularly in the technology and travel industries, including In re Flash Memory Antitrust Litigation, In re TFT-LCD (Flat Panel) Antitrust Litigation, In re Cathode Ray Tube (CRT) Antitrust Litigation, In re Static Random Access Memory (SRAM) Antitrust Litigation, In re Air Cargo Shipping Services Antitrust Litigation, In re International Air Transportation Surcharge Antitrust Litigation, and In re Chocolate Confectionary Antitrust Litigation.

Mr. Gross has an impressive background in defending constitutional rights. He has represented several non-traditional religions in various types of litigation raising issues of religious freedom, due process, and improper government activity, both in affirmative lawsuits and in defending damage lawsuits by ex-members. He has also served as special counsel in criminal cases concerning constitutional issues. Mr. Gross has an active practice representing victims of clergy abuse and sexual abuse. He was a member of the Executive Committee in The Clergy Cases III, a coordinated action involving all the cases of clergy abuse against the Roman Catholic Church in Northern California, and achieved the single highest settlement on behalf of an individual in those coordinated cases.

A native New Yorker, Mr. Gross is counsel to, and formerly a partner at, Rabinowitz, Boudin, Standard, Krinsky & Lieberman, P.C., of New York, the noted constitutional and international law firm. B.S., Computer Science, Brown University; J.D., Boalt Hall School of Law at the University of California at Berkeley; Associate Editor of the California Law Review; Clerk, the Honorable Otto R. Skopil, Jr., Ninth Circuit Court of Appeals.

## **ADAM C. BELSKY**

Mr. Belsky specializes in intellectual property, antitrust, general business litigation, media law, and class actions. He has extensive experience handling copyright, trademark and trade secret litigation, complex commercial litigation, defamation, invasion of privacy, employment discrimination, and other constitutional and civil rights cases. He has an active practice representing foreign countries in litigation in the United States, including on behalf of Cuba, South Africa, and Bolivia. He also has substantial appellate experience in both federal and state court.

Mr. Belsky's antitrust experience includes a number of class action cases involving technology-related industries, including cases against Microsoft, Intel, and DRAM, SRAM, LCD and CRT manufacturers. Mr. Belsky has also litigated extensively in the area of consumer fraud, including successful class actions against Pacific Bell for fraudulent advertising of voicemail and Old Republic Title Company for fraudulent escrow practices. Mr. Belsky has obtained favorable settlements in a privacy action against television stations for improperly disclosing the identities of children who had been victims of sexual abuse and on behalf of listeners of the Pacifica radio network in an action to restore local community control of the stations. Other significant engagements include representation of Quokka Sports, Inc. and the America's Cup in a successful action to regain the americascup.com domain name; Ariba in an international commercial arbitration resulting in a \$26 million award; a leading video game company in a copyright infringement suit against a competitor for copying a popular video game; a large construction company whose former employees misappropriated trade secrets in forming a competing firm; and a major computer manufacturer in a landmark international arbitration of copyright and antitrust claims.

Mr. Belsky is active in pro bono work, representing the "found-sound" artists Negativland in a contractual and intellectual property dispute with their record company, obtaining a successful settlement in which Negativland regained the rights to a number of their recordings. He has represented a class of migrant farmworkers in California who were charged excessive rents at state-run farmworker housing centers, negotiating a settlement entitling the farmworkers to a 100% refund of the overcharge plus interest. He has also represented Muslim prison inmates in a successful appeal of their civil rights action for discrimination and violation of their free exercise of religion.

Mr. Belsky received his A.B. degree from Amherst College in 1984, and his law degree from Boalt Hall at the University of California at Berkeley in 1989, where he was Note and Comment editor on the California Law Review and graduated in the top one percent of his class. Mr. Belsky served as a law clerk to the Honorable Stanley A. Weigel, U.S. District Judge in the Northern District of California. Mr. Belsky is a member of the California and various federal court bars. He is the co-author of "Implied Waiver Under the FSIA: A Proposed Exception to Immunity for Violations of Peremptory Norms of International Law," published in the California Law Review.

## **Highlights of the Firm's Work**

### **Media Law**

*Spike Lee v. Viacom*: On behalf of Spike Lee, in joint representation with Johnnie Cochran, obtained a preliminary injunction prohibiting Viacom from renaming its television network "TNN: The National Network," as "Spike TV," leading to a successful settlement of the action.

*Gianni Versace, s.P.a. and Little, Brown*. Jointly represented the Versace family and businesses in a defamation matter, which resulted in Little, Brown canceling publication of a controversial biography of Gianni Versace.

*People ex rel. Spooner v. Pacifica Foundation*: Represented listeners of the free speech Pacifica radio network specially appointed by the California Attorney General, in an action to oust the governing directors and restore local community control. Secured a settlement in which the majority directors gave up control and paid Pacifica \$400,000.

*Apple Computer v. dePlume*: Pro bono representation of internet journalist sued by Apple for trade secret misappropriation, even though the journalist lawfully obtained the published information, in case raising fundamental First Amendment issues.

*Doe v. KCBA-TV*. Defeated an anti-SLAPP motion and obtained a substantial settlement in a privacy action against two television stations that broadcast courtroom footage which disclosed the identities of minor victims of child abuse, in violation of court orders.

*Schoenman v. Random House*: Represented a colleague of Bertrand Russell in a defamation action involving his work for Mr. Russell, obtaining a settlement recalling and replacing the offending book.

*Burning Man v. Voyeur Video*: Obtained a settlement and stipulated injunction prohibiting a video maker from distributing videos with images of participants at the Burning Man art and performance event, since the video was obtained without the permission of Burning Man.

*Burning Man and MTV*: Forced MTV to halt broadcast of a show on Burning Man by asserting the event's intellectual property rights.

### **Consumer Class Actions**

*Wisper v. Old Republic Title Company*: As executive committee member and co-trial and appellate counsel in a consumer class action against a title company for unfair escrow practices, obtained a \$21 million recovery after trial, affirmed on appeal.

*DRAM Cases*: Co-Liaison Counsel for the plaintiff class in a class action challenging price fixing in the DRAM industry.

*Automobile Refinishing Paint Cases*: Co-Liaison Counsel in a certified class action concerning price-fixing of automobile paint.

*Carbon Fiber Cases*: Co-Liaison Counsel in a class action attacking price-fixing in the sale of carbon fiber products, such as golf clubs and tennis rackets.

*Perish v. Intel Corp.* Served as settlement class counsel in a consumer fraud class action for misstatement of performance claims, which resulted in a settlement of \$1.5 million and injunctive relief.

### **Internet Law**

*Quokka Sports, Inc. v. Cup International Ltd.* Obtained an injunction against a cybersquatter on the *americascup.com* domain name, in one of the first cases filed under the Anticybersquatting Consumer Protection Act.

*Adobe Systems, Inc. v. Community Connexion, Inc.* Obtained dismissal of a copyright infringement action against an Internet service provider based on vicarious liability for alleged infringements on users' web sites hosted by the ISP.

### **International Law**

*Alejandro v. Republic of Cuba*, 183 F.3d 1277 (11<sup>th</sup> Cir. 1999). In joint defense of the Cuban telephone company under the Foreign Sovereign Immunities Act, successfully overturned the attempted garnishment of its assets to satisfy a judgment against the Republic of Cuba based on an international incident involving the downing of a plane with Cuban exiles.

*Virtual Countries, Inc. v. Republic of South Africa*, 300 F.3d 230 (2d Cir. 2002): In joint representation of the Republic of South Africa, obtained dismissal of a lawsuit seeking a declaration that South Africa has no rights to the internet domain name *southafrica.com*. Assisted South Africa in presentation before international treaty organizations for new rules restricting the use of country names as domain names.

*Loral Space Systems v. Yuzhnoye*: In joint representation of the Ukrainian space agency, asserted Foreign Sovereign Immunities Act defenses to enforcement of an arbitration award for a failed satellite launch, achieving a favorable settlement.

### **Sexual Abuse by Clergy**

*Clergy Cases III*: Member of Executive Committee in coordinated action involving hundreds of clergy abuse cases against all Roman Catholic dioceses in Northern California. The firm has obtained one conditional settlement of a clergy abuse case that is the highest individual settlement in California.

### **Commercial Litigation**

*Ariba, Inc. v. Softbank Corp.*: In joint representation, obtained a \$26 million interim award in an arbitration involving breach of contract claims.

*In re Quokka*: As special litigation counsel for the debtor in bankruptcy, reduced claims from \$17 million to \$5 million.

## **Employment Discrimination**

Obtained substantial settlements in actions against an investment bank for sexual harassment and retaliation, and a disability services organization for disability discrimination

## **Pro Bono Representation**

*Valencia Vega v. Mallory*. Class counsel in a successful class action that recovered rent overcharges to migrant workers at state migrant worker centers.

*United States v. Mitchell*, 172 F.3d 1104 (9<sup>th</sup> Cir. 1999). Obtained reversal of a conviction for bank robbery and secured the freedom of a wrongfully convicted indigent defendant because the conviction was based on evidence of poverty



## **REPRESENTATIVE CLIENTS**

### **Individuals**

Gianni Versace s.P.a.  
O.J. Simpson  
Spike Lee  
Leona Helmsley  
Johnnie Cochran  
Alan Dershowitz  
Barry Scheck

### **Governments**

Republic of Cuba and agencies and instrumentalities  
Republic of South Africa  
Republic of Panama  
Republic of Ukraine aerospace companies  
City of Oakland

### **Companies**

Quokka Sports, Inc.  
AlaskaMen Magazine  
Burning Man LLC  
Supercuts, Inc.  
Isuzu Motors of America  
Chronicle Books LLC  
LeapFrog Enterprises, Inc.  
Ariba, Inc.  
eMachines, Inc.  
AltaVista Company  
Beatnik, Inc.  
Ski Utah  
SmartMail LLC  
Panscopic

### **Foundations and Nonprofits**

John D. and Catherine T. MacArthur Foundation  
Henry J. Kaiser Family Foundation  
Food First  
Edna St. Vincent Millay Society  
Luke B. Hancock Foundation  
Young Community Developers  
Women Count

# EXHIBIT B



# EXHIBIT C

**EXHIBIT C**

In re Cathode Ray Tube (CRT) Antitrust Litigation

**GROSS & BELSKY P.C.**

Reported Expenses Incurred on Behalf of DPPs - Mitsubishi/Thomson Only

**EXPENSE REPORT**

| <b>CATEGORY</b>                                    | <b>AMOUNT<br/>INCURRED</b> |
|--|----------------------------|
| Court Fees (Filing, etc.)                          |                            |
| Experts/Consultants                                |                            |
| Federal Express                                    |                            |
| Transcripts (Hearing, Deposition, etc.)            |                            |
| Messenger Delivery                                 |                            |
| Photocopies – In House (capped at \$0.20 per copy) | \$ 48.60                   |
| Photocopies – Outside                              |                            |
| Postage  | \$ 14.08                   |
| Service of Process                                 |                            |
| Telephone/Telecopier                               |                            |
|  |                            |
| <b>TOTAL:</b>                                      | \$ 62.68                   |
|  |                            |