

EXHIBIT B

PROSKAUER ROSE

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PARTNER



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Practice Areas:

Copyright
Intellectual Property & Computer
Entertainment, Media, Information & Technology

Privacy
Entertainment

Education:

- BROOKLYN LAW SCHOOL, J.D., 1971
- WASHINGTON UNIVERSITY, A.B., 1967

Bar Admission:

- 1972 NEW YORK

Biography:

Charles Ortner represents many of the leading institutions and creative and business leaders of the music industry in virtually every area, including copyright, trademark, enforcement of personal services contracts, rights of privacy and publicity, libel, unfair competition, personal matters, employment disputes, contract and royalty disputes and general corporate and commercial matters. He also serves as advisor on business and strategic planning for owners and senior executives of leading music industry institutions.

Among the recording artists, record producers and songwriters Mr. Ortner has represented in litigation and related matters are Madonna, Michael Jackson, Shania Twain, Lauryn Hill, Whitney Houston, Jon Bon Jovi, Kenny "Babyface" Edmonds, Sean "P. Diddy" Combs, Trent Reznor and Nine Inch Nails, Sting, Cyndi Lauper, Collective Soul, Bonnie Raitt, Matchbox 20, Rob Thomas, Phil Ramone and Rick Rubin. Among the music industry entrepreneurs Mr. Ortner has represented are Chris Blackwell, Clive Calder, Jimmy Iovine, and Antonio "L.A." Reid. Mr. Ortner represents many music companies and labels, including BMG, EMI, Warner Bros. Records, Warner/Chappell Music and Wind-Up Records. He also represents The National Academy of Recording Arts and Sciences (the GRAMMY® organization), and serves as its National Legal Counsel.

Among the notable cases Mr. Ortner has handled are:

- **Humphrey v. Def Jam and CBS Records**, a copyright case in which the plaintiff, relying upon voice prints, falsely claimed that his voice was the voice of the rap superstar L.L. Cool J on the hit album "Radio." At the trial, the court dismissed the complaint, imposed monetary sanctions on the plaintiff's attorneys, and cancelled the plaintiff's fraudulent copyright registration.
- **Larkin v. PolyGram and Mengede v. Interscope**, in which the courts dismissed Lanham Trademark Act claims by former band members who sought to prevent continued use of band names in their absence.
- **Columbia Pictures Industries v. Arista Records**, in which Columbia Pictures, the owner of the "Monkees" trademark, unsuccessfully sought to enjoin Arista's release of The Monkees' twentieth anniversary album on Lanham Trademark Act grounds because the album contained both original Monkees' hits and three new recordings by two former members of the group.
- **Island Records v. SST Records**, in which Island Records obtained a copyright and Lanham Trademark Act injunction and seizure of infringing goods against a record

company which was distributing a purported parody album. The defendant's album packaging deceptively created the appearance that its album was a genuine U2 album.

- **Sanga Music v. EMI Music Publishing and Reprise Records**, in which the District Court granted, and the Second Circuit affirmed, summary judgment dismissing a copyright infringement lawsuit arising out of the recording by Enya of the song, "How Can I Keep From Singing" in the hit album "Shepherd's Moon." The defendants demonstrated that nearly forty years before the lawsuit, the plaintiff songwriter had allowed her composition to enter the public domain by authorizing a friend to publish the song in an obscure folk song periodical without a copyright notice.
- **C. DeLores Tucker v. Interscope Records**, in which the court dismissed libel and related claims asserted by a critic of rap music.
- **International Record Syndicate v. The Go-Go's**, in which the court granted novel injunctive relief tolling the running of a contractual cure period pending a declaratory judgment trial, and barring the group from terminating its recording contract and signing with another record company, where the group claimed that the record company's failure to pay disputed royalties constituted a material breach entitling the group to terminate the contract.
- **PolyGram v. Glotzer and Benjamin**, in which the court sustained PolyGram's complaint alleging claims under the anti-fraud provisions of the Securities Exchange Act of 1934 in a dispute concerning PolyGram's investment in a privately held video distribution venture.
- **Mark Onofrio v. Trent Reznor, Nine Inch Nails and Interscope Records**, in which the Ninth Circuit Court of Appeals affirmed the grant of summary judgment dismissing copyright claims involving five songs on the hit album "Downward Spiral," and awarded the defendants prevailing party attorneys' fees.
- **EMI Catalogue Partnership v. Hill, Holliday, Connors, Cosmopolos, Inc. and Spaulding Sports Worldwide**, in which the Second Circuit held that a title to a song could be protectable under the Lanham Trademark Act.

Mr. Ortner has been an invited speaker at bar association and continuing legal education programs, law school classes and seminars throughout the United States, including Stanford Law School, the Georgetown University Law Center, the Columbia University School of Business, Boston University School of Law, and the Annenberg Foundation. He delivers a lecture annually as part of the Harvard Law School Entertainment and Sports Law course.

Mr. Ortner has authored numerous articles, including "Enforcement of Personal Services Contracts in the Entertainment Industry," *Current Legal Issues in the Recording Industry* (1987); "Voice Prints in Copyright Proceedings," *Entertainment Law and Finance* (November 1989); "Extending or Terminating Recording Contracts Under New York Law," *Entertainment Law and Finance* (January 1989); and "Tolling Contract Termination During Litigation," *Entertainment Law and Finance* (July 1991); and co-authored "Representing Celebrity Stalking Victims," *Entertainment Law and Finance* (July 1996). He is a member of the Board of Editors of *Entertainment Law and Finance*.

Mr. Ortner served as an aide to John V. Lindsay, Mayor of the City of New York, and as an aide to Whitney North Seymour, Jr., United States Attorney for the Southern District of New York. He has served as an officer of various committees of the American Bar Association and the Association of the Bar of the City of New York, and was appointed by the President of the New York State Bar Association to a special committee on reform of the New York State Legislature. Mr. Ortner graduated from Washington University in 1967 (where he was in the Honors Biology and Honors History programs) and from Brooklyn Law School in 1971. He is admitted to the New York Bar, and is admitted to practice before the United States Courts of Appeals for the Second, Third and Ninth Circuits, and the United States District Courts for the Southern and Eastern Districts of New York. Mr. Ortner has appeared in numerous federal and state courts, including courts in Connecticut, California, Georgia, Louisiana, New Jersey, Pennsylvania and Utah.

Among Mr. Ortner's community service activities are membership on the Executive Committee and Board of Trustees of the T.J. Martell Foundation for Leukemia, Cancer and AIDS Research, and on the Board of Trustees of the Multiple Myeloma Research Foundation.

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Practice Areas:

Copyright
Defamation
Commercial Litigation
Intellectual Property & Computer
Libel
Litigation
Trademark & False Advertising
Entertainment, Media, Information & Technology

Privacy
Licensing / Entertainment
Entertainment

Education:

- FORDHAM UNIVERSITY SCHOOL OF LAW, J.D., CUM LAUDE, 1988
- DREW UNIVERSITY, B.A., CUM LAUDE, 1985

Bar Admissions:

- 1988 NEW JERSEY
- 1989 NEW YORK
- 1990 DISTRICT OF COLUMBIA

Court Admissions:

- 1988 U.S. DISTRICT COURT, NEW JERSEY
- 1989 U.S. DISTRICT COURT, NEW YORK, EASTERN DISTRICT
- 1989 U.S. DISTRICT COURT, NEW YORK, SOUTHERN DISTRICT
- 1990 U.S. DISTRICT COURT, DISTRICT OF COLUMBIA

Biography:

Sandra A. Crawshaw-Sparks is a partner in the Litigation and Dispute Resolution Department, resident in Proskauer's New York office. Sandy handles a wide variety of litigation and transactional matters in the entertainment industry, with a special focus on music. She has represented many clients in connection with matters involving recording, publishing, licensing and management contracts, copyrights, trademark rights, unfair competition claims, and the rights of privacy and publicity.

Sandy's clients have included: Meat Loaf; Madonna; Debbie Gibson; Sally Hershberger; Judd Hirsch; Britney Spears; Shania Twain; the recording group "Living Colour"; Trent Reznor (of "Nine Inch Nails"); Sting; Luther Vandross; and the recording group "U2." Sandy has also represented numerous entertainment industry leaders, including: Chris Blackwell; Jimmy Iovine; and Russell Simmons. The music industry companies she has represented include: American Recordings; BMG Music Publishing (including FirstCom music and Zomba Music Publishing); Def Jam Recordings; EMI-Capitol Music Group (including Capitol Records, EMI Records, SBK Records, and Virgin Records); EMI Music Publishing; Gee Street Records; IslandLife; the Island Trading Company; JB Music Publishing; Jellybean Recordings Inc.; the National Academy of Recording Arts and Sciences; Palm Pictures; Maverick Recordings; Rykodisc, Inc.; Sony BMG Music Entertainment Group (including Arista Records, J Records, Jive Records, Provident Music Group, RCA Records, Zomba Recording Corp., and Verity Records); Universal Music Group (including Interscope Records; Geffen Records; GRP Records; MCA Music Publishing; MCA Records; Island Pictures; Island Music; Island Records; Mercury Records; Motown Records, and PolyGram Records); Vagrant Records; Warner Bros. Records; Warner/Chappell Music, and Wind-Up Records.

Sandy typically handles copyright infringement, trademark infringement, enforcement of

personal services contracts, accounting and royalty disputes, and matters involving the rights of privacy and publicity.

As a regular and substantial part of her practice, Sandy counsels clients in connection with complex transactions, negotiates pre-litigation resolutions of accounting and royalty disputes, negotiates licensing arrangements, and handles applications for court approval of personal services contracts with minors.

Sandy received her B.A. degree from Drew University, cum laude, in 1985, and her J.D. degree from Fordham University School of Law, cum laude, in 1988. While at Fordham, she was one of four finalists in the Mulligan Moot Court Competition and was a member of the Moot Court Board. Sandy is admitted to the New York Bar, the New Jersey Bar, and the District of Columbia Bar. She is admitted to practice before the U.S. District Courts for the Southern and Eastern Districts of New York, the District of New Jersey, and the District of Columbia.

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jdasti@proskauer.comNew York, NY
ASSOCIATE**New York, NY Office:**
1585 Broadway
Fax 212.969.2900**Practice Area:**
Litigation**Education:**

- NEW YORK UNIVERSITY SCHOOL OF LAW, J.D., 2002
- EXECUTIVE EDITOR, NEW YORK UNIVERSITY LAW REVIEW, 2001-2002
- STAFF EDITOR, NEW YORK UNIVERSITY LAW REVIEW, 2000-2001
- AMERICAN UNIVERSITY, WASHINGTON, D.C., B.A., MAGNA CUM LAUDE, 1997

Bar Admission:

- 2003 NEW YORK

Court Admissions:

- 2004 U.S. DISTRICT COURT, NEW YORK, EASTERN DISTRICT
- 2004 U.S. DISTRICT COURT, NEW YORK, SOUTHERN DISTRICT

Biography:

Jerry L. Dasti is an associate in the Litigation and Dispute Resolution Department and is resident in the New York office of Proskauer Rose LLP.

Jerry has experience in commercial litigation in both federal and state courts, as well as regulatory investigations. He has experience litigating and defending copyright, breach of contract, and tort claims on behalf of clients in the music and film industries, class action lawsuits on behalf of securities industry clients, and other commercial claims on behalf of a wide variety of clients. Additionally, Jerry has worked pro bono with the Sanctuary for Families Center for Battered Women's Legal Services and for the New York State Bar Association Special Committee to Study Issues Affecting Same-Sex Couples.

Jerry received his J.D. from the New York University School of Law in 2002, and received his B.A. from American University, magna cum laude, in 1997. While in law school, Jerry served as an executive editor of the *New York University Law Review*. He was a 2002 recipient of the Rubin Award for Outstanding Note in Public, Commercial or International Law for his note, "Advocating a Broader Understanding of the Necessity of Sex-Reassignment Surgery Under Medicaid," 77 N.Y.U. L. Rev. 1738 (2002).

Jerry is admitted to practice in the state of New York, as well as the United States District Courts for the Southern and Eastern Districts of New York. He is a member of the Association of the Bar in the City of New York and the New York State Bar association.

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