

Exhibit B

Elizabeth A. McNamara // PARTNER // NEW YORK



New York

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Elizabeth McNamara has more than 25 years of litigation and counseling experience in media and intellectual property law, representing publishers (books, magazines, newspapers and websites), television and radio broadcasters, cable companies and motion picture producers and distributors. Her litigation practice includes all areas of sophisticated IP, media and entertainment litigation at the trial and appellate level of federal and state courts, in such areas as libel, privacy, copyright, trademark, prior restraint and reporter's shield laws.

Liz's clients include: Bauer Publishing, Cablevision, CBS, CNN, Conde Nast, Hachette Book Group, Macmillan, MTV Networks, NBC, New York Times, Random House, Sesame Workshop, Showtime, Simon & Schuster, Time Inc. and Wenner Media.

Representative Experience

Associated Press v. Meltwater U.S. Holdings, Inc., et al.

Representing The Associated Press in a copyright infringement action against Meltwater News, a leading international subscription-based electronic media monitoring service that provides daily excerpts from news articles to its subscribers. The federal district court for the Southern District of New York granted AP's motion for summary judgment on its copyright claim and rejected Meltwater's fair use defense, which was premised on its argument that it acted as a search engine. Damages discovery is ongoing. (S.D.N.Y. 2013)

Authors Guild, et al v. Hathitrust, et al.

Submitted amicus curiae brief on behalf of The Associated Press, addressing transformative-use analysis in copyright infringement case based on mass digitization of books. (2d Cir. 2013)

Batra v. NBC et al.

Lead counsel representing NBC and all defendants in on-going libel-in-fiction action arising out of a "Law & Order" episode. (N.Y. Sup. Ct. Ongoing)

Hart v. Electronic Arts, Inc.

Education

J.D., University of North Carolina
School of Law, 1981

- Order of the Coif
- Law Review

B.A., University of Wisconsin, 1975

- Phi Beta Kappa

Related Practices

Appellate Litigation
Class Action Defense
Media & First Amendment
Defamation & Privacy
Commercial Speech & Advertising
Government Regulation of Content
Right of Publicity
Access to Public Records &
Proceedings
Subpoenas & Reporters' Privilege
Trademark Litigation
Intellectual Property Litigation
Copyright Litigation
Intellectual Property
Copyright
Pre-Publication & Pre-Broadcast
Review
Prior Restraints
Theft of Ideas
Litigation
Communications, Media, IP &
Technology
Cable
Digital Media



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Lead counsel representing Electronic Arts in defense of a putative class action brought by Hart, a former college quarterback, on behalf of all college football players, arising out of the purported use of their likenesses in EA's successful NCAA Football video game series. The federal District Court in New Jersey [granted EA's motion for summary judgment](#) and dismissed the action, finding that the video games were entitled to full First Amendment protection. 2011 WL 4005350 (D.N.J. Sept. 9, 2011). Related actions arising out of Electronic Arts' "NCAA Football and Madden Football" video games are currently before the 9th Circuit. *Hart v. Electronic Arts, Inc.* is on appeal to the 3rd Circuit.

Green v. Cablevision Systems Corp. IFC in Theaters LLC, et al.

Defended distributors of the film "Savage Grace," starring Julianne Moore, which was based on a true story, from a claim of libel brought by an art dealer who alleged that he was falsely portrayed in the movie. (N.Y. Sup. Ct. 2012)

Beckham v. Bauer Publishing

Successfully defended Bauer, publisher of "In Touch Weekly," in a defamation lawsuit filed by soccer star David Beckham over article reporting on alleged tryst with a call girl. In Touch was awarded its attorneys' fees under California's anti-SLAPP statute. The 9th Circuit dismissed Beckham's appeal on jurisdiction grounds. (C.D. Cal., 9th Cir. 2013)

Jordan v. Jewel, et al.

Representing Time Inc. in connection with ongoing right of publicity claims brought by Michael Jordan in connection with a special "Sports Illustrated" issue commemorating Jordan's induction into the Basketball Hall of Fame. Summary judgment pending. (N.D. Ill. Ongoing)

Marquardt v. King and Simon & Shuster

Lead counsel representing Stephen King and Simon & Shuster in copyright infringement claims arising out of King's book "Duma Key." Motion to dismiss granted (N.D. Ga. 2011)

Unterberg v. President Jimmy Carter, Simon & Schuster, Inc.

Lead counsel representing defendants in connection with putative consumer fraud claims arising out of the publication of "Palestine: Peace Not Apartheid." Action withdrawn after sanctions motion served. (S.D.N.Y. 2011)

Feldman v. Twentieth Century Fox, et al

Represented Twentieth Century Fox and the creators of the television show "Journeyman." On an upfront motion, plaintiff's copyright claims were dismissed and the 1st Circuit affirmed the dismissal of the action. (2011)

Morse & Castorina v. Spike Television, et al.

Represented Spike TV and obtained dismissal of copyright infringement action arising out of the popular reality television show "Pros vs. Joes." (E.D.N.Y. 2011). Previously obtained dismissal of similar infringement claims brought against "Pros

Entertainment
Publishing
Music
SLAPP Litigation

Admitted to Practice

New York, 1982
U.S. Supreme Court, 1998
U.S. Court of Appeals 9th Circuit, 2000
U.S. Court of Appeals 2nd Circuit, 1996
U.S. District Court Southern District of New York, 1983
U.S. District Court Eastern District of New York, 1983
U.S. District Court Eastern District of Michigan, 2004
U.S. Court of Appeals 3rd Circuit, 2008
U.S. Court of Appeals 1st Circuit, 2010

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v. Joes" in *Pino v. Spike*. (D.N.J. 2009) WL 1118429

Penguin Publishers v. American Buddha

Lead amici counsel for American Association of Publishers, Magazine Publishers Association, and American Association of University Publishers in connection with novel jurisdictional question for copyright claims certified by the 2nd Circuit to the NY Court of Appeals. Consistent with arguments made by amici, in April 2011, the Court of Appeals ruled that the 'situs of injury' for copyright claims is the location of the publishers. (2011)

Maharam v. Little, Brown, et al.

Represented Little, Brown and author James Patterson in copyright infringement action arising out of children's book "SantaKid." Summary judgment granted and affirmed by 2nd Circuit. 2010 WL 827088 (2d Cir. 2010)

Scott v. Hachette Publishing

Obtained pre-discovery dismissal of copyright claims arising out of author Stephanie Meyer's last book in her famed "Twilight" series. Attorney fees awarded to defendants. (C.D. Cal. 2010)

Steinbeck v. McIntosh & Otis, Inc., Estate of Elaine Steinbeck, et al.

Represented literary agents in copyright action involving termination rights and the John Steinbeck literary properties. Summary judgment dismissing all claims granted and affirmed by the 2nd Circuit. 2009 WL 928189, 2010 WL 3995982 (S.D.N.Y., 2d Cir. 2010)

Stewart v. Rolling Stone LLC

Lead counsel representing Rolling Stone in right of publicity claims brought as a putative class action arising out of a gatefold editorial feature. On appeal, the Court of Appeals found that Rolling Stone's editorial feature did not inadvertently become commercial speech because it was surrounded by cigarette advertising and granted Rolling Stone's anti-SLAPP motion, dismissing the action. [Rolling Stone's "Indie Rock Universe" Editorial Feature Gets First Amendment Protection, 02.01.10](#) (Cal. Ct. App. 2010)

Gozelany v. Simon & Schuster, Inc., et al.

Obtained pre-discovery dismissal of libel, privacy and related claims arising out of book "Hot Chicks with Douchebags." (N.J. Super. Ct. 2009)

Ishkanian v. Baker

Successfully represented Wenner Media, publisher of "Us Weekly," in persuading the Court of Appeal to overturn a trial court's order denying the magazine's special motion to strike a former employee's \$55 million lawsuit for defamation and other torts. On remand, the trial court awarded Wenner Media its attorneys' fees. (Cal. Super. Ct., Cal. Ct. App. 2009)

Stern v. Rita Cosby, Hachette Book Group USA

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Represented Rita Cosby in libel action brought by Howard K. Stern, former partner of Anna Nicole Smith, arising out of Cosby's book "Blonde Ambition." (S.D.N.Y. 2009)

Sugarman v. Apostolina, Simon & Schuster

Obtained summary judgment dismissing libel in fiction and right of publicity claims arising out of book "Hazing Meri Sugarman." 101750/06 (N.Y. Sup. Ct. 2008)

Landrau, et al. v. Solis-Betancourt, Advance Magazine Publishers, et al.

Obtained dismissal of novel copyright and trademark claims brought by architect arising out of feature in "Architectural Digest." 554 F. Supp. 2d 114 (D.P.R. 2007)

Perdue v. Brown, Random House and Sony Pictures; Dunn v. Brown, Random House; Anikin v. Random House

Obtained pre-discovery dismissal in three separate copyright actions arising out of Dan Brown's "The Da Vinci Code." Dismissal in *Perdue* affirmed by 2nd Circuit. 79 U.S.P.Q.2d 1958 (S.D.N.Y. 2007)

Spears v. Us Weekly

Successfully defended "Us Weekly" against libel claim by Britney Spears. The court granted the magazine's anti-SLAPP motion, dismissed the lawsuit, and awarded the magazine its attorneys' fees. (Cal. Sup. Ct. 2007)

Kamalian v. Reader's Digest

On appeal, obtained dismissal of libel action arising out of Reader's Digest article titled "Dangerous Doctors." (2006)

Carter-Clark v. Random House, Joseph Klein

Obtained dismissal of libel in fiction action arising out of Joseph Klein's novel "Primary Colors"; affirmed on appeal. (1st Dept. N.Y. 2005)

D.A.R.E. v. Rolling Stone

Dismissal of libel and related claims affirmed by 9th Circuit arising out of article written by Stephen Glass. (9th Cir. 2002)

Professional and Community Activities

- Former Chair, Committee on Communications and Media Law, New York City Bar Association
- East Coast Representative, Forum on Communications Law
- Communications and Entertainment Committee, New York State Bar Association
- The Copyright Society of the USA
- Lawyers Committee, Association of American Publishers

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Professional Recognition

- Named as one of "America's Leading Lawyers for Business" by Chambers USA in Media & Entertainment: First Amendment Litigation (New York); Media & Entertainment: Copyright & Contract Disputes (New York), 2007-2013; First Amendment Litigation (Nationwide), 2011-2013; Received "Band 1" ranking, 2012, 2013
- Selected by Best Lawyers as New York City's "Lawyer of the Year" in Media Law, 2013
- Named one of the "Best Lawyers in America" in Communications and Advertising Law by Best Lawyers, 2006-2009; named in First Amendment, Media, and Intellectual Property Law, 2006-present; named in Entertainment Law, 2010-present
- Selected to "New York's Top 50 Women Super Lawyers and First Amendment/Media Lawyers," Thomson Reuters, 2007-2008
- Selected to "New York Super Lawyers," Thomson Reuters, 2006-2013
- Named as one of Lawdragon's "500 Lawyers in America," 2007
- Sharing the Power Award, InsideCounsel Magazine, 2010

Advisories

AP Wins Key Copyright Action: Reselling News Excerpts from Internet Not a Fair Use, 03.21.13

First Amendment Defeats Right of Publicity Claims Against Electronic Arts' NCAA Football Video Games, 09.12.11

New York Court of Appeals Rules That "Situs of the Injury" of Digital Piracy Is the Copyright Owner's Place of Business, Helping New York Content Providers Battle Infringement , 04.07.11

Rolling Stone's "Indie Rock Universe" Editorial Feature Gets First Amendment Protection, 02.01.10

Presentations

"Current Developments in Entertainment and Sports Litigation," PLI's Counseling Clients in the Entertainment Industry 2013, New York City, N.Y., 03.06.13

"Sports Law: The Use of Athletes' Images - The Right of Publicity in a Sports Context," PLI's Counseling Clients in the Entertainment Industry 2012, New York, N.Y., 03.16.12

"Sports Law: The Use of Athletes' Images - The Right of Publicity in a Sports Context," Counseling Clients in the Entertainment Industry 2011, Practising Law



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Institute, New York, N.Y., 03.16.11

Co-presenter, "Prepublication/Prebroadcast Review," NAA/NAB/MLRC Media Law Conference, Chantilly, Va., September 2010

"The Price of Success: Bestsellers and Blockbusters Can Place You in Litigation Crosshairs," Media and the Law, Kansas City, 2008, 2009

Art and Privacy Colloquium, Cambridge, England, 2007

Privacy Panel, Media Law Resource Center, London, England, 2007

Annual PLI Communications Law: Lead Presentation on Privacy, 2003-2004, 2006

Chair, "Internet Publishing: The Legal and Business Issues as Traditional Publishing Moves to Electronic Media," Practising Law Institute, 2000-2001

Publications

"Exploring the Outer Limits of Online Providers' Immunity," New York Law Journal, 08.09.13

"Release Bars Libel and Related Claims Against Mob Wives Reality Show," MLRC MediaLawLetter, June 2013

"Penguin Group (USA) Inc. v. American Buddha: New York's Long-Arm Statute Grows Longer for Internet Piracy," Bright Ideas, Intellectual Property Law Section of the New York State Bar Association, Fall 2011

"Emphasizing Interactivity, Court Rules that First Amendment Defeats Right of Publicity Claims Targeting EA's NCAA Football Video Games," MLRC MediaLawLetter, September 2011

"Using Trademarked Products in Entertainment Programming," Communications Lawyer, Volume 24, Number 4, 12.01.07

"Online Service Provider Liability Under the Digital Millennium Copyright Act," Communications Lawyer, Volume 17, Number 3, 10.01.99

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Debbie Adler has well over a decade of litigation experience and was recognized as a "New York Super Lawyer" in 2013 and as a "New York Rising Star" by Super Lawyers magazine in 2012, in the areas of First Amendment and media litigation.

Debbie represents news and entertainment companies, as well as individual journalists, in a wide array of content-related disputes. Her practice involves claims of libel, copyright, DMCA, trademark, publicity/privacy, reporter's privilege, and prior restraint. She has successfully litigated in state and federal trial courts as well as in numerous appellate courts.

Debbie advises newspapers and book publishers, websites, and television producers in connection with pre-publication and pre-broadcast review. As part of her counseling practice, she regularly performs pre-publication review in the newsroom of The New York Post. In the summer of 2011, she was seconded as the Senior Vice President for Intellectual Property and Litigation of MTV Networks.

She has also served as a secretary and then member, for the New York City Bar Committee for Communications and Media Law.

Representative Experience
Agence France Presse v. Morel

Currently representing the Washington Post and Getty Images and represented CBS (which settled) in litigation arising from wire service's use of photographs of Haitian earthquake posted on Twitpic, a social networking application. Wire service licensed the images to Getty Images, who licensed them to CBS, the Washington Post and other news outlets. Lanham Act claims have been dismissed and the parties continue to litigate the remaining (copyright and DMCA) claims. 2011 WL 147718 (S.D.N.Y. Ongoing)

Rodrigues v. NY Daily News, et al.

Representing the New York Post, Maxim Magazine and the New York Daily News against defamation claims arising from articles reporting on plaintiff's arrest and

Education

J.D., Harvard Law School, 2000

- Harvard-Berkeley Exchange Program
- Articles Editor, Women's Law Journal

B.A., Stanford University, 1996, with distinction

- High Honors, thesis in 19th century American history
- Member, Cap & Gown, Stanford Women's Honor Society

Related Practices

Appellate Litigation
Media & First Amendment
Trademark Litigation
Copyright Litigation
Intellectual Property Litigation
Trade Secrets (Intellectual Property)
Defamation & Privacy
Litigation
Pre-Publication & Pre-Broadcast Review
Communications, Media, IP & Technology
Entertainment

Admitted to Practice

New York
California
District of Columbia
U.S. District Court Eastern District of



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release on charges of murdering her husband, a famous light-weight championship boxer, and which she claims falsely described her as a former stripper and exotic dancer. (D.N.J., Ongoing)

New York
U.S. District Court Southern District
of New York
U.S. District Court Northern District of
California

Fleisher v. Gawker Media LLC and Gothamist LLC, et al.

Successfully defeated plaintiff's request for a temporary injunction that would have required websites to take down certain articles and accompanying reader comments and ultimately obtained pre-discovery dismissal of the claim, affirmed on appeal. (N.Y. Sup. Ct. and App. Div. 2011-2013)

Klig v. Harper's Magazine Foundation

Obtained dismissal of libel claims against Harper's Magazine Foundation arising from the publication of correspondence that had been attached to a criminal complaint against the plaintiff, which charged him with extortion and stalking of an ex-girlfriend through a series of anonymous letters and emails that threatened to expose a supposed sex tape if she did not comply with his demand that she send him nude photos of herself. Court granted dismissal based upon fair report privilege and opinion grounds. 2011 NY Slip Op 31173 (Nassau Cnty, Sup. Ct. 2011)

Diaz v. NBC Universal, Inc.

Defended Universal Pictures in obtaining dismissal of libel class action based on the film 'American Gangster,' obtained dismissal of all claims, which was affirmed by the 2d Circuit Court of Appeals. (S.D.N.Y. 2009, 2d Cir 2010)

Maharam v. Little, Brown, et al.

Represented Little, Brown and author James Patterson in copyright infringement action arising out of children's book "SantaKid." Summary judgment granted and affirmed by 2nd Circuit. 2010 WL 827088 (2d Cir. 2010)

Salinger v. Colting

Represented J.D. Salinger in a copyright infringement action against the author, publisher and distributor of a self-proclaimed sequel to "The Catcher in the Rye." Motion for preliminary injunction was granted and appealed to the 2nd Circuit where the matter was vacated and remanded. Permanent injunction entered; case settled. 641 F. Supp. 2d 250 (S.D.N.Y., 2d Cir. 2010)

Stern v. Rita Cosby, Hachette Book Group USA

Represented Rita Cosby in libel action brought by Howard K. Stern, former partner of Anna Nicole Smith, arising out of Cosby's book "Blonde Ambition." (S.D.N.Y. 2009)

Atrium Group v. Harry N. Abrams, Inc.

Won dismissal of Lanham Act and unfair competition claims in a dispute over the publication of U.S. versions of Spanish books. Action subsequently settled. 565 F. Supp. 2d 505 (S.D.N.Y. 2008)

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Miller v. Holtzbrinck Publishers

Successfully defended publisher and co-author of novel against claims of fraudulent inducement, conversion and tortious interference by plaintiff who alleged that novel plagiarized plaintiff's manuscript. Case was dismissed. 2010 WL 1932322 (S.D.N.Y. 2008)

Time Inc., et al. v. Budd, et al.

Represented magazine publishers in copyright and trademark infringement action against website described as 'Napster for the magazine industry.' (S.D.N.Y. 2008)

Planned Parenthood Fed. of America, et al. v. Ashcroft*

Member of plaintiffs' successful trial team (prior to reversal by the Supreme Court); included successful opposition to the production of 1,000 medical records on grounds of informational privacy. (2004)

Standard & Poors for Standard & Poors

Represented financial reporting company in assertion of the reporter's privilege.

Xiu Xiu v. Rolling Stone

Represented magazine in right of publicity claim.

* Denotes experience completed at a prior firm

Additional Qualifications

- Secondment, Senior Vice President, Intellectual Property and Litigation, MTV Networks, May-July, 2011

Professional and Community Activities

- Secretary, Committee on Communications and Media Law, New York City Bar Association, 2008-2011
- Correspondent for the Class of '96, Stanford Alumni Association

Professional Recognition

- Selected to "New York Super Lawyers," Thomson Reuters, 2013
- Selected to "New York Rising Stars," Thomson Reuters, 2012

Publications

"Survey of New York Privacy and Related Claims Against the Media," MLRC 50 State Survey: Media Privacy and Related Law, 2008-2009

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jeremychase@dwt.com

Jeremy Chase is a commercial litigator who focuses his practice on media and intellectual property litigation. He has handled cases involving First Amendment law, libel, copyright, trademark, right of publicity, privacy, and newsgathering issues. Jeremy also has significant experience litigating complex contract disputes in both state and federal court. Jeremy represents clients in the digital media, cable, Internet, e-commerce, technology, and publishing industries.

Additional Qualifications

- Law Clerk, Hon. Gene E.K. Pratter, U.S. District Court, Eastern District of Pennsylvania, Philadelphia, 2011-2012
- Associate, Gibson, Dunn & Crutcher LLP, New York, N.Y., 2009-2011

Professional and Community Activities

- Trip Leader, Bike and Build, Providence to San Francisco, 2006

Advisories

UK Court of Appeal Holds That, Upon Notice, Google May Be Liable For Defamatory User-Generated Content on Blogging Platform Operated by Google, 02.19.13

Publications

"Can We Publish This Photo? Analyzing Fair Use When the Well-Known Subject of an Image Owns the Copyright," Intellectual Property & Technology Law Journal, March 2013

"UK Court of Appeal Holds That, Upon Notice, Google May Be Liable For Defamatory User-Generated Content on Blogging Platform Operated by Google," Cyberspace Lawyer, March 2013

Education

J.D., University of Pennsylvania Law School, 2009

- Legal Writing Instructor
- Research Assistant, Professor Tobias B. Wolff
- Moot Court Board

A.B., History & International Relations, Brown University, 2006, with honors

- Undergraduate Teaching Research Assistant Fellowship, 2005
- Researcher, University Steering Committee on Slavery and Justice

Related Practices

Media & First Amendment
Litigation
Copyright Litigation
Trademark Litigation
Intellectual Property Litigation
Defamation & Privacy
Communications, Media, IP & Technology

Admitted to Practice

New York, 2010
U.S. District Court Southern District of New York, 2010
U.S. District Court Eastern District of New York, 2010