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14 *Additional Counsel for Plaintiffs*

15 **UNITED STATES DISTRICT COURT**
16 **NORTHERN DISTRICT OF CALIFORNIA**
17 **SAN JOSE DIVISION**

19 IN RE GOOGLE ADWORDS LITIGATION

Case No. 08-cv-3369-EJD

**DECLARATION OF ADAM C. BELSKY
IN SUPPORT OF PLAINTIFFS' MOTION
FOR (1) AN AWARD OF ATTORNEYS'
FEES, (2) REIMBURSEMENT OF COSTS
AND EXPENSES, AND (3) INCENTIVE
AWARDS**

Date: July 27, 2017
Time: 9:00 a.m.
Judge: Hon. Edward J. Davila
Courtroom: 4, 5th Floor

Action Filed: July 11, 2008

1 I, Adam C. Belsky, hereby declare as follows:

2 1. I am an attorney licensed to practice law in the State of California and am a
3 principal of Gross & Belsky P.C. ("Gross & Belsky"), one of the counsel for plaintiffs in this
4 action. I submit this declaration in support of Plaintiffs' Motion for (1) An Award of Attorneys'
5 Fees, (2) Reimbursement of Costs and Expenses, and (3) Incentive Awards. I make this declaration
6 of my own personal knowledge, information, and belief and, and if called upon to do so, could and
7 would competently testify as set forth herein.

8 2. My firm is one of the counsel of record for plaintiffs in this case. Gross & Belsky
9 and I are highly experienced in handling complex plaintiff-side litigation, including class actions.
10 A copy of our firm resume, summarizing its attorneys' backgrounds and experience, is attached
11 hereto as Exhibit A.

12 3. Under the direction of Class Counsel, my firm has been involved in various key
13 tasks and activities on behalf of plaintiffs and the settlement class during the course of this
14 litigation. This work included conducting factual investigation, preparing written discovery
15 requests and responses, participating extensively in plaintiffs' document reviews, assisting in brief
16 writing, analysis and legal research for various pleadings, providing strategic advice, and making
17 court appearances.

18 4. These litigation efforts discussed above on behalf of plaintiffs and the settlement
19 class can be allocated and categorized as follows:

20	Category	Hours
21	Document Review	967.6
22	Investigations and Factual Research	3.8
23	Written Discovery	8.2
24	Pleadings, Briefs, and Pretrial Motions	20.8
25	Experts	0.3
26	Court Appearances	4.6
27	Litigation Strategy and Analysis	17.2
28	Settlement	1.4

Case Management	0.8
Total	1024.7

5. Throughout the course of this litigation, my firm maintained daily, contemporaneous billing records documenting all time spent in increments of one-tenth of an hour, including tasks performed and expenses incurred in this matter. Based upon my review of my firm's timekeeping records, Gross & Belsky has expended **1024.7 hours** prosecuting this litigation since its inception through February 28, 2017. Multiplied by current hourly billing rates, Gross & Belsky has accrued a total lodestar of **\$388,927.50**. These figures do not include any time spent in connection with this motion for an award of attorneys' fees or any time that may still be incurred by my firm in connection with settlement approval and final resolution of this action. Expense items are billed separately and are not duplicated in my firm's lodestar.

6. Additionally, in connection with this motion—and in collaboration with Class Counsel, Schubert Jonckheer & Kolbe LLP—I have reviewed my firm's timekeeping records and removed entries for work performed that was not directly related to tasks specifically requested or assigned by Class Counsel, that was not otherwise directly necessary for the effective prosecution and resolution of the case, or that was potentially duplicative of work performed by others. For instance, time records in which attorneys generally read and reviewed court filings (when not tasked with a specific assignment in connection with those filings) are not included in my firm's total 1024.7 hours discussed above. Additionally, billing records for work performed prior to the Court's February 25, 2009 Order consolidating the various related underlying actions (Dkt. 40) are not included. All of the time reported by my firm herein was incurred for the benefit of plaintiffs and the settlement class, and I believe it was reasonably necessary for the effective prosecution and resolution of this case. Those records have been provided to Class Counsel, and I have authorized Class Counsel to lodge them for inspection, if so ordered by the Court.

7. The total hours and lodestar of the attorneys, paralegals, and other staff of my firm expended in pursuing the claims in this action, applying the framework discussed above, are summarized as follows¹:

Name	Title / Status	Hours	Rate	Lodestar
Terry Gross	Partner	41.0	\$775	\$31,775.00
Adam Belsky	Partner	34.5	\$725	\$25,012.50
Tabatha Yin	Associate	948.8	\$350	\$332,080.00
Jessica Dean	Paralegal	0.4	\$150	\$60.00
Totals		1024.7		\$388,927.50

8. Gross & Belsky's hourly billing rates are fair, reasonable, and in line with comparable law firms. These rates are the usual and customary rates charged for each individual in all of our cases. Numerous other courts have approved Gross & Belsky's rates in other class actions and other matters, including: *In re Automotive Parts Litigation*, Case No. 12-md-02311 (E.D. Mich. 2015); *In re CRT Antitrust Litigation*, Case No. CV-07-5944-SC (N.D. Cal. 2014) (Conti, J.); *Roos v. Honeywell Int'l, Inc.*, Case No. CGC-04-436205 (San Francisco Sup. Ct. 2014) (consumer fraud class action); *In re DRAM Antitrust Litigation*, Case No. M-02-1486-PJH (N.D. Cal. 2013) (Hamilton, J.); *In re TFT-LCD (Flat Panel) Antitrust Litigation*, Case No. 3:07-md-1827 SI (N.D. Cal. 2012) (Illston, J.).

9. The expenses my firm incurred in litigating this action are reflected in the books and records of my firm. These books and records are prepared from expense vouchers, invoices, receipts, check records, and other source materials, and accurately reflect the expenses incurred. My firm's expense records are available for inspection by the Court if necessary.

10. My firm incurred a total of \$333.89 in unreimbursed expenses, all of which were reasonable and necessary for the prosecution of this litigation. This amount does not include the various assessment payments Gross & Belsky made to Class Counsel during the action for

¹ The hourly rate shown for any attorney or paralegal who: (a) is no longer employed by Gross & Belsky or (b) has been promoted, reflects the last rate that applied at the time of their employment in that position.

1 common litigation expenses. A summary of my firm's unreimbursed expenses by category follows
2 below:

3 Expense Category	Totals
4 In-House Copies / Reproduction	\$82.90
5 Legal Research (PACER, Lexis, Westlaw)	\$91.06
6 Postage / Courier	\$0.88
7 Telephone / Facsimile	\$68.50
8 Travel-Related Expenses	\$90.55
9 Expense Totals	\$333.89

10 11. Prosecution of this action has involved significant financial risk for Gross &
11 Belsky. My firm undertook this matter solely on a contingent basis, with no assurance of any
12 recovery, and devoted significant resources in terms of its time, energy, and efforts to the
13 resolution of plaintiffs and the settlement class's claims. Class actions such as this are typically
14 complex and protracted, and this case, filed in July 2008 and which involved extensive appellate
15 practice, is not an exception. Additionally, Gross & Belsky's litigation efforts in this matter
16 prevented my firm from pursuing other work that might well have been as or more rewarding than
17 this action.

18
19 I declare under penalty of perjury under the laws of the United States of America that the
20 foregoing is true and correct. Executed this 28th day of April, 2017 in San Francisco, California.

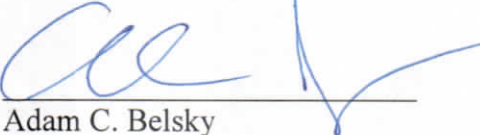
21
22
23 
Adam C. Belsky

EXHIBIT A

GROSS & BELSKY P.C.

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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 (9th 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 (11th 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. 4th 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 (11th 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 (9th 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