

Before the
COPYRIGHT ROYALTY JUDGES
Washington, D.C.

_____)	
In the Matter of)	
)	
Distribution of 1998 and 1999)	Docket No. 2008-1 CRB CD 98-99
Cable Royalty Funds)	(Phase II)
_____)	

**AMENDED DIRECT STATEMENT
OF INDEPENDENT PRODUCERS GROUP**

Worldwide Subsidy Group LLC, dba Independent Producers Group (“IPG”), hereby submits an original and five copies, and an electronic copy, of the amended written testimony of Laura Robinson and Raul Galaz, and the accompanying exhibits, setting forth the direct case of IPG, in connection with Phase II of the 1998-1999 Cable Royalty Distribution Proceedings in the Devotional Programming category. IPG’s Amended Direct Statement is submitted pursuant to 37 C.F.R. Section 351.4(c).

The value of IPG’s claim, which is more fully explained in the testimony, is dependent on the identity and value of program claims submitted by the Settling Devotional Claimants, and the royalties allocated to the Devotional Programming

category. IPG's Amended Direct Statement incorporates information received during discovery in these proceedings. As further information is received, IPG will modify its claim accordingly.

Respectfully submitted,

Dated: January 30, 2014



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Exhibit IPG-2: IPG-claimed program list.

Exhibit IPG-3: Curriculum Vitae of Laura Robinson, Ph.D.

Exhibit IPG-4: List of IPG and Non-IPG Retransmitted Titles.

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Exhibit IPG-6: Time of day comparison by weighted average viewership.

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AMENDED TESTIMONY OF RAUL C. GALAZ

I. INTRODUCTION

I am an employee and authorized representative of Independent Producers Group (“IPG”), and the initial founder thereof.¹ Prior to forming IPG, I attended the University of California, Los Angeles and graduated from Stanford Law School in 1988. I practiced law thereafter, specializing in entertainment law, representing independent film and television producers, foreign film distributors and individual artists.

II. HISTORY OF PROCEEDINGS

On July 25, 2013, the Copyright Royalty Judges issued their Order Setting Deadline for Filing Written Direct Statements, Announcing Discovery Period, and Requiring Settlement Conference. Such order details the history of these proceedings, which are currently limited to consideration of the Phase II distribution of 1999 cable royalties in the Devotional Programming category.

¹ In May of 1998, ARTIST COLLECTIONS GROUP, LLC was formed in Los Angeles, California. In March of 1999, WORLDWIDE SUBSIDY GROUP, LLC was formed in Helotes, Texas. On March 12, 2001, WORLDWIDE SUBSIDY GROUP, LLC filed an Assumed Name Certificate in Bexar County, Texas, whereby it represented that it would do business as INDEPENDENT PRODUCERS GROUP (“WSG-Texas”). On November 15, 2002, ARTIST COLLECTIONS GROUP, LLC filed a Certificate of Amendment with the California Secretary of State, changing its name to WORLDWIDE SUBSIDY GROUP, LLC (“WSG-California”). On December 29, 2008, WSG-California was consolidated into WSG-Texas dba Independent Producers Group, and dissolved.

On or about February 28, 2008, IPG filed its Petition to Participate in these proceedings. In connection therewith, IPG indicated its representation of programming owned or controlled by 198 producers and distributors. Notwithstanding, and as the proceedings have been subsequently limited to the Devotional Programming category, IPG anticipates the programming owned or controlled by six (6) producers and distributors will be addressed in these proceedings.²

III. IPG THEORY OF COMPENSATION.

A. Criteria for Phase II award.

The appropriate criteria for distribution of cable retransmission royalties is not clearly resolved from the compulsory license statute, 17 U.S.C. Section 111, or precedent. All that seems certain is that any distribution methodology that evidently focuses on just one set of criteria to the exclusion of all others, would appear arbitrary.

IPG contends that certain obvious factors that would otherwise affect a negotiated license between a producer and an exhibitor are not present in the

² See **Exhibit IPG-1**, attached hereto, for the list of producers and distributors whose programming is represented by IPG, and whose programming IPG has determined falls in the Devotional Programming category. In the event that IPG subsequently determines that other programming should appropriately be categorized in the Devotional Programming category, IPG will amend its claim appropriately.

compulsory licensing scheme, and do not affect the royalties that are paid by the cable systems retransmitting a broadcast, so any attempt to distribute the royalties collected by the Copyright Office by replicating the license fees that would occur on a broadcast-by-broadcast basis in the absence of a compulsory license is misguided. Because a cable system is required to license a broadcast signal *en toto*, once there has been a determination as to which Phase I category a program should go into, then broadcasts of all programs within such category should arguably be allocated royalties based only on those factors that distinguish them within a single, integrated broadcast of a station, and are known in advance of the retransmitted broadcast - - no differently than an advance negotiated license between a copyright owner and an exhibitor. Logically then, the only factors that would be considered for distributing royalties to a particular program in Phase II are the factors of (i) which station(s) a program appeared on (which, in turn, allows for a determination as to the number of subscribers receiving the retransmitted signal, and what fees were collected from the station's retransmission), (ii) the number of times that the program was broadcast on such station, and (iii) the length of the program broadcast. Factors such as the unknown, after-the-fact determined viewership of the program, or after-the-fact ratings (there is a distinction), would be of no relevance, since the compulsory license fee paid by the

cable system operator (“CSO”) is paid in advance of, and regardless of, any such determinations of viewership or ratings.

Notwithstanding, if the goal is to replicate what would occur in the free market in the absence of a compulsory license, as opposed to what has actually occurred (i.e., a statutory compulsory license rate that ignores free market factors as part of the CSO’s royalty obligation), then the Judges need to additionally focus on such factors as (i) the *anticipated* viewership of the program, as reflected by the time period during which a program was broadcast (e.g., 8:00 pm versus 2:00 am).

How calculations based on the foregoing alternatives are accomplished, with the data that is commercially available, is a complex (yet manageable) construction. IPG proposes a distribution methodology that relies on data that reflects the compulsory license fees that have been generated by retransmitted stations, the number of distant households that received the retransmitted broadcasts, programming data reflecting the length of the broadcast, and data that reflects the viewership within particular time periods calculated. With such data, each of the foregoing methodological alternatives can be constructed, against which all program claims can be fairly applied.

B. All Retransmitted Broadcasts Must Be Compensated.

IPG espouses that each and every program that is demonstrated to have been broadcast by a terrestrial station, and is thereafter retransmitted by a CSO, is

required to receive some portion of the fees collected by the U.S. Copyright Office. Such entitlement exists based on criteria developed by the Copyright Royalty Tribunal, the Copyright Arbitration Royalty Panel, and the Copyright Office; specifically, (a) value to the CSO, (b) harm to the syndicator, (c) market value of the program, and (d) time. Moreover, such entitlement makes logical sense from the standpoint that 17 U.S.C. Section 111 requires a CSO to obtain a license for the entirety of the terrestrial signal, and deprives the owner of a retransmitted program from requiring the licensure of such program in order for such retransmission. Thus, the Judges should compensate all programs, even if such programs are broadcast on terrestrial stations that are not the most significantly retransmitted terrestrial stations, or for which no evidence of actual viewing exists.

C. Compensation for each Identifiable Retransmitted Broadcast should be based on Objective Criteria that exists or can be determined *before* a retransmission occurs.

One of the primary criteria for awarding royalties in these proceedings is the value of carriage and programming to a CSO. IPG recognizes the common sense fact that CSOs cannot predict the viewership that will subsequently result for all broadcasts appearing on the terrestrial stations that they elect to retransmit, and may not even have a valid measurement of broadcast-by-broadcast viewership. That is, the value or appeal of any particular terrestrial station to a CSO cannot be based on ratings that will occur only after the CSO has elected to carry a terrestrial

station. Such a proposition defies logic, and any method of distributing cable retransmission royalties to a broadcast based entirely on the specific ratings of a broadcast is flawed in this respect.

Moreover, while the overall appeal of the terrestrial station to reach niches with a CSO's subscriber base could be the determinative factor that affects whether the CSO will carry particular terrestrial station, such overall appeal does not address the proper allocation of collected royalties *on a broadcast-by-broadcast basis* when the CSO is required to license the entirety of the terrestrial signal, and the program owner is thereby precluded from seeking recompense from the CSO that has retransmitted the program owner's program.

IPG does not offer the definitive explanation as to why each CSO elected to carry each of its retransmitted terrestrial stations during the 1999 calendar year, and leaves such determination to the Phase I proceedings. Nonetheless, and in an attempt to construct a distribution methodology that will fairly recompense all programming that has been retransmitted by a cable system pursuant to 17 U.S.C. Section 111, and for which a program owner has been denied the ability to directly license such distribution, IPG has attempted to construct a distribution methodology that is content-blind, and merely considers objective criteria that exists or can be determined *before* the retransmission occurs.

IV. IPG-CLAIMED BROADCASTS AND PROGRAMMING.

IPG has identified **12,017 broadcasts** of **14 IPG-claimed programs** (the “IPG Programs”) that have generated cable retransmission royalties during the 1999 calendar year.³ Each of the IPG Programs is either owned or controlled by entities that have assigned IPG the right to collect cable retransmission royalties attributable to their programming.

V. SDC-CLAIMED BROADCASTS AND PROGRAMMING.

IPG has identified **6,564 broadcasts** of **15 SDC-claimed programs** (the “SDC Programs”) that have generated cable retransmission royalties during the 1999 calendar year.⁴

Respectfully submitted,



Raul Galaz
Independent Producers Group

³ See **Exhibit IPG-2**, attached hereto, for the lists of programs claimed by IPG. Such list reflects, to a certain extent, variations of the titles accorded to identical programs in data obtained by IPG in current and prior proceedings.

⁴ The identity of the SDC Programs was derived from the SDC Direct Statement, Appendix C to the testimony of John Sanders.

I declare under penalty of perjury that the foregoing testimony is true and correct to the best of my knowledge. Executed this 29 day of January, 2014.



Raul Galaz

AMENDED TESTIMONY OF LAURA ROBINSON, PH.D

Opening Report

I. INTRODUCTION AND ASSIGNMENT

1. My name is Laura Robinson. I have been retained by Pick and Boydston, LLP, counsel for Worldwide Subsidy Group, LLC dba Independent Producers Group (“IPG”), to provide expert witness testimony in the matter of *Distribution of 1998 and 1999 Cable Royalty Funds*. This matter involves the distribution of 1998 and 1999 cable retransmission royalties.

2. The issues I have been asked to address concern the distribution of 1999 cable retransmission royalties (“1999 Cable Royalties”) within the “Devotional” category. According to the U.S. Copyright Office, cable system operators paid over one hundred and thirteen million dollars in 1999 Cable Royalties.⁵ I understand that the Phase I dispute regarding the 1999 Cable Royalties, to the extent that it allocated royalties to the Devotional category, was resolved by settlement.⁶

3. The instant matter is a Phase II proceeding wherein IPG and various other claimants (“Non-IPG Claimants”) are in dispute as to the division of the 1999

⁵ See U.S. Copyright Office, Licensing Division, Report of Receipts, published at <http://www.copyright.gov/licensing/lic-receipts.pdf>.

⁶ See Final Order, Distribution of 1998 and 1999 Cable Royalty Funds, Docket No. 2001-8 CD 98-99, 69 Fed. Reg. 3606 (January 26, 2004).

Cable Royalties allocated to the Devotional category. I understand that a central issue in determining the appropriate division of funds allocated to the Devotional category relates to the relative market value of the broadcasts retransmitted by cable systems operators (“CSOs”) of the compensable copyrighted program titles held by IPG and the Non-IPG Claimants.

4. I have been asked by counsel to analyze the relative market value of the retransmitted broadcasts of the compensable copyrighted program titles held by IPG and the Non-IPG Claimants and to estimate the share attributable to IPG. I understand that counsel may further ask me to rebut forthcoming testimony of the Non-IPG Claimants regarding these issues.

5. I have not yet been provided with the identity of the retransmitted broadcasts claimed by the Non-IPG Claimants. Thus, in this report, I analyze the retransmitted broadcasts claimed by IPG and examine various indicators of the market value of those broadcasts. I understand that data regarding the broadcasts claimed by the Non-IPG Claimants will be provided either through the Written Direct Statement filed by the Non-IPG Claimants, or produced by the Non-IPG Claimants through discovery. Once I receive this information I will complete my analysis of the relative market value of the retransmitted broadcasts claimed by IPG and the Non-IPG Claimants and estimate the share attributable to IPG.

6. I have reviewed and analyzed voluminous data and information during the preparation of this report including (i) data from the Cable Data Corporation regarding more than twenty-seven hundred cable systems operators, and (ii) broadcast data from TV Data (aka Tribune Media) of more than twelve thousand retransmitted broadcasts during 1999 of IPG-claimed programming.

7. I file this report in my individual capacity. I have no financial stake in the outcome of this case. My work in this matter is ongoing. I reserve the right to conduct additional analyses and to adjust my opinions accordingly.

II. SUMMARY OF OPINIONS

8. Retransmitted broadcasts of copyrighted programs have economic value because (1) viewers enjoy watching retransmitted broadcasts, (2) cable system operators earn revenues and profits from making copyrighted programs available to viewers and, (3) copyright owners earn revenues and profits from creating programs and licensing them to cable system operators through a compulsory licensing process. Copyright owners and CSOs do not bargain and negotiate the prices for such retransmission; rather, such price is effectively set through royalty rate proceedings comparable to the instant proceedings. I understand that the Copyright Royalty Judges consider the relative market value of the broadcasts a

central issue in determining both the appropriate royalty rates, and the appropriate division of royalty funds.

9. Analysis of the market value of retransmitted broadcasts benefits from an examination of a hypothetical negotiation between a willing buyer (a cable system operator) and a willing seller (copyright owner). The economic theory of bargaining indicates that in such a negotiation it is necessary to consider the marginal costs and benefits to the parties of possible agreements as well as the next best alternative to the parties should they not reach agreement (“reservation prices”).⁷ In the case of copyright owners and the retransmission of copyrighted programs by cable system operators, the copyright owner’s marginal costs are minimal⁸ and thus the outcome of the negotiation will relate largely to the negotiating power of the parties and the CSO’s profitability. The marginal costs and benefits faced by the CSOs is complex, in part due to the fact that cable system operators are statutorily required to retransmit a station in its entirety, and due to the fact that copyrighted programs being provided to subscribers are bundled.⁹

⁷ For discussions of economic theories of bargaining and negotiation, see: (1) Howard Raiffa, 1982. *The Art & Science of Negotiation*. Boston, MA: Harvard University Press, and (2) Drew Fudenberg & Jean Tirole, 1991. *Game Theory*. Cambridge, MA: MIT Press Books.

⁸ Most of the copyright owner’s costs are fixed costs already incurred or “sunk.”

⁹ See Final Distribution Order, Distribution of 2000, 2001, 2002, 2003 Cable Royalties, Docket No. 2008-2 CRB CD 2000-2003 (Phase II), 78 Fed. Reg. 64984, 64992: “The revenue that the CSO earns from retransmitted broadcasts is a consequence of the impact of the retransmissions on the sale of subscriptions to its cable bundles (packages or tiers). . . . To the CSO, the program

10. As a practical matter I do not have information regarding the marginal benefits and marginal costs faced by the cable system operators retransmitting the broadcasts at issue in the instant matter. However, various indicia of the economic value of the retransmitted broadcasts exist in obtainable data, including the length of the retransmitted broadcasts, the time of day of the retransmitted broadcast, the fees paid by cable system operators to retransmit the stations carrying the broadcasts, and the number of persons distanty subscribing the station broadcasting the IPG-claimed program.

11. My conclusion that IPG's program titles have substantial market value is based on analysis and evidence indicating that (i) IPG has claim to over twelve thousand retransmitted broadcasts during 1999, (ii) that those retransmitted broadcasts comprise over six thousand broadcast hours, and (iv) various indicia of the economic value of the retransmitted broadcasts indicate that IPG's retransmitted broadcasts have values for same across the full range of observed values; these indicia include the time of day of the broadcasts, the fees paid by cable system operators to retransmit the stations carrying the broadcasts, and the number of persons distanty subscribing the station broadcasting the IPG-claimed program.

offered by the Copyright Owner is an input—a factor of production—utilized to create the product that the CSO sells to its customers, viz., the various subscription bundles of cable channels.”

12. So far I have focused on a discussion of the market value of the retransmitted broadcast but the fundamental exercise required is an analysis of the *relative* market value. One of the ways in which an analysis of relative market value can be distinguished from the analysis of market value is that it does not require estimating factors that are common among the parties. For example, if a company would like to estimate the relative market value of two shipments of packages of cookies they need only estimate the number of packages in each of the two shipments and they do not need to estimate the price per package of cookies. In the instant matter, the indicia to be compared in order to estimate the relative market value of IPG-claimed titles and non-IPG claimed titles include the length of the claimed broadcasts, the time of day of the broadcasts, the fees paid by cable system operators to retransmit the stations carrying the broadcasts, and the number of distant subscribers of the stations carrying those broadcasts.

13. As described above, my assignment is to estimate the value of the retransmission of IPG's claimed programs relative to the broadcasts claimed by the Non-IPG Claimants. As also discussed above, I have not yet received information regarding which broadcasts are being claimed by the Non-IPG Claimants. Thus, as a practical matter, I cannot estimate the quantum of IPG's relative market value until I obtain information regarding the broadcasts claimed by the Non-IPG Claimants.

III. QUALIFICATIONS

14. I am currently a Managing Director at Navigant (NYSE: NCI), an international consulting firm with approximately 40 offices in North America, Asia, Europe, and the Middle East. My prior experience includes my work as Managing Principal of The CapAnalysis Group, LLC and as Vice President/Senior Economist at Analysis Group/Economics, Inc. I have held faculty positions at the State University of New York, Stony Brook, the New York Institute of Finance, and the University of Southern California, teaching classes in corporate finance, investments, portfolio theory, financial markets, and law and economics to undergraduate and graduate students.

15. In my professional life I have provided analyses and testimony for numerous matters related to breach of contract, securities fraud, mergers and acquisitions, intellectual property, product liability, legal fees, and insurance recovery. My work often requires the statistical and econometric analysis of large complex databases.

16. My professional experience includes numerous engagements related to intellectual property including patent, copyright, and trademark infringement. My experience in the entertainment industry includes the analysis of movie libraries, television shows, musical artist contracts, movie theaters and live entertainment venues.

17.I earned Ph.D. and M.Phil. degrees in Business from the Finance and Economics Division of Columbia Business School, an M.A. in Economics from the Columbia University Graduate School of Art and Sciences, and an A.B. *cum laude* in Economics from Harvard University.

18.My further experience is summarized in my curriculum vitae, which is attached to this Report as **Exhibit IPG-3**.

IV. ANALYSIS

19. As described above, I have been asked by counsel to analyze the relative market value of the retransmitted broadcasts of the compensable copyrighted program titles held by IPG, and to estimate the share attributable to IPG. In this section I will discuss how relative market value can be assessed given the data that are available in this matter, and the methodology I employed to evaluate IPG's program titles.

20.Data I have relied on in this matter includes data from the Cable Data Corporation ("CDC"), data from TV Data, and data from Nielsen Media Research. Both the CDC data and the TV Data broadcast data comprise information about stations that were distantly retransmitted by cable system operators during 1999, while the Nielsen data comprises information over several decades.

21. The information provided to me includes four indicia of the economic value of the retransmitted broadcasts: length of the retransmitted broadcast, time of day of the retransmitted broadcast, fees paid by cable system operators to retransmit the stations carrying the retransmitted broadcasts, and the number of distant subscribers of those stations carrying the retransmitted broadcasts.

22. The CDC data includes information about more than twenty-seven hundred CSOs and indicates information, *inter alia*, on stations retransmitted, distant retransmission fees, and the number of distant subscribers. For each station, the CDC data indicates the number of CSOs retransmitting the stations, the average distant retransmission fees paid by the CSOs retransmitting the station, the average number of distant subscribers to the cable system retransmitting the station, the distant retransmission fees paid by the CSOs to retransmit the station, and the distant subscribers to the cable systems retransmitting the station. The total distant retransmission fees paid by the CSOs in the CDC data sums to approximately eighty million dollars.¹⁰

23. The information from TV Data includes broadcast data on program titles claimed by IPG during 1999 and distantly retransmitted by CSOs. The information in this database includes, *inter alia*, the date and time the broadcast was aired (to

¹⁰ Such sum equals a substantial portion of the fees paid by CSOs that are allocable to distant retransmission. Although cable system operators paid over one hundred and thirteen million dollars in 1999 cable royalties, such sum is inclusive of payments made by CSOs allocable to both local and distant retransmissions.

the minute), the station call sign, the program length (in minutes), the program type, and the program title. As noted, over twelve thousand distantly retransmitted broadcasts of IPG-claimed programming have been identified.

24. The data from Nielsen Media Research includes viewing data collected by Nielsen, and is segregable according to the time period of the measured broadcast, which indicia is relevant to determining relative market value. Such Nielsen data is also supported by Nielsen Media Research reports reflecting relative viewing according to time period over a decades-long study of viewing.

25. From the foregoing data, I am able to demonstrate the distribution of the IPG-claimed retransmitted broadcasts according to the distant retransmission fees paid by CSOs for the right to retransmit stations broadcasting the IPG-claimed programs, and establish that IPG-claimed retransmitted broadcasts are shown on stations across the full range of distant retransmission fees generated.

26. From the foregoing data, I am able to demonstrate the distribution of the IPG-claimed retransmitted broadcasts by the number of distant subscribers who subscribe to the CSOs retransmitting stations broadcasting the IPG-claimed programs, and establish that IPG-claimed retransmitted broadcasts are shown on stations across the full range of distant subscribers.

27. My conclusion that IPG's program titles have substantial market value is based on analysis and evidence showing that (i) IPG claims a substantial number of

retransmitted programs, (ii) such retransmitted programs were retransmitted on a substantial number of occasions, (iii) such claimed broadcasts were retransmitted for a substantial number of hours, and (iv) the indicia of the economic value of the retransmitted broadcasts indicate that IPG's retransmitted broadcasts have values for same across the full range of observed values; as described above these indicia include the length of the claimed broadcasts, the time of day of the broadcasts, the fees paid by cable system operators to retransmit the stations carrying the broadcasts, and the number of distant subscribers of the stations carrying those broadcasts.

28. The relative market value of the distant retransmission of IPG-claimed broadcasts cannot be fully discerned until information is provided identifying the distant retransmission of broadcasts claimed by Non-IPG Claimants. Once received, a comparison can occur between the retransmitted broadcasts claimed by IPG and the retransmitted broadcasts claimed by Non-IPG Claimants, according to the various indicia of economic value identified above, and by weighting each broadcast according to the values of such indicia.

V. CONCLUSIONS

29. In this report, I analyze the program titles and broadcasts claimed by IPG and examine various indicators of the market value of those titles. I find that IPGs program titles have substantial market value and substantial relative market value.

30.I understand that data regarding the titles claimed by the Non-IPG Claimants will be provided either through the Written Direct Statement filed by the Non-IPG Claimants, or produced by the Non-IPG Claimants through discovery. Once I receive this information I will complete my analysis of the relative market value of the retransmitted broadcasts identified by IPG and the Non-IPG Claimants and estimate the share attributable to IPG.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Laura O. Robinson", written over a horizontal line.

Laura O. Robinson, Ph.D
Navigant Consulting, Inc.

Supplemental Report

I. INTRODUCTION AND ASSIGNMENT

1. This report supplements my report dated November 26, 2013 (“Opening Report”), incorporated in its entirety herein. As discussed in my Opening Report, I have been asked by counsel to analyze the relative market value of the retransmitted broadcasts of the compensable copyrighted program titles held by IPG and the Non-IPG Claimants and to estimate the share attributable to IPG. At the time of preparing my Opening Report I had not yet been provided with the identity of the retransmitted broadcasts claimed by the Non-IPG Claimants. Subsequent to the submission of my Opening Report I received the Written Direct Statement filed by the “Settling Devotional Claimants” (i.e., the Non-IPG Claimants) which included therein a list of broadcast titles so claimed by the Non-IPG Claimants. Thus, in this report, I complete my analysis of the relative market value of the retransmitted broadcasts claimed by IPG and the Non-IPG Claimants and estimate the share attributable to IPG. I find that the share attributable to IPG is in the range of 46%-51% or more.

2. I file this report in my individual capacity. I have no financial stake in the outcome of this matter. My work in this matter is ongoing. I reserve the right to conduct further analyses, and adjust my opinions accordingly, should additional data and documents become available to me.

II. SUMMARY OF OPINIONS

3. Combining the IPG and Non-IPG claimed titles with Cable Data Corporation (“CDC”) data on retransmissions of more than twenty-seven hundred Cable System Operators (“CSOs”)¹¹ indicates that the IPG and Non-IPG titles combined are reflected in more than forty-seven thousand distantly retransmitted broadcast quarter hours during 1999. **Exhibit IPG-4** lists the IPG and Non-IPG claimed titles, and **Table 1** shows summary information about IPG-claimed and the Non-IPG claimed distantly retransmitted broadcasts, including number, hours, and quarter-hours, of distantly retransmitted broadcasts.

Table 1: Data on IPG and Non-IPG Claimed Titles 1999¹²

	IPG	Non-IPG
Number of Distantly Retransmitted Broadcasts of Claimed Titles	12,017	6,558
Number of Hours of Distantly Retransmitted Broadcasts of	6,010	5,856

¹¹ The Cable Data Corporation data are described in my Opening Report.

¹² Note: This table reflects data derived from CSOs who paid approximately \$80 million, or more than 70% of the distant retransmission fees paid by all CSOs in 1999. Total distant retransmission fees in 1999 were less than the \$113 million of total fees paid by CSOs in local and distant retransmission fees combined. [Data compiled by Cable Data Corporation reflects the figure of \$80 million; information provided by the U.S. Copyright Office, Licensing Division reflects the figure of \$113 million, and appears at <http://www.copyright.gov/licensing/lic-receipts.pdf>.]

Claimed Titles ¹³		
Number of Quarter Hours of Distantly Retransmitted Broadcasts of Claimed Titles	24,040	23,423

Source: TV Data and Cable Data Corporation.

4. As discussed in my Opening Report, due to various factors including the availability of data, I compare the following indicia of value in order to estimate the relative market value of IPG-claimed titles and Non-IPG claimed titles: the length of the claimed broadcasts, the time of day of the broadcasts, the fees paid by cable system operators to retransmit the stations carrying the broadcasts, and the number of distant subscribers of the stations carrying those broadcasts. **Table 2** shows the relative market value estimates based on each value indicia. Inspection of Table 2 shows that the share attributed to IPG ranges from 46% to 51% or more.

Table 2: Relative Market Value

	IPG	Non-IPG	Total
Hours of Claimed Distantly Retransmitted Broadcasts	51%	49%	100%
Time of Day of Distantly Retransmitted Broadcasts	46%	54%	100%

¹³ Note: Hours and quarter hours of broadcasts are calculated by summing the length of the relevant broadcasts in minutes and then dividing by 60 or by 15, respectively.

Fees Paid by CSOs Distantly Retransmitting Devotional Broadcasts	More than 50%	Less than 50%	100%
Number of Distant Subscribers to CSOs Distantly Retransmitting Devotional Broadcasts	51%	49%	100%

Sources: See Table 1, Exhibits IPG-6, IPG-8, and IPG-10.

III. ANALYSIS

5. As discussed above the indicia of the economic value of the retransmitted broadcasts analyzed are: the length of the retransmitted broadcasts, the time of day of the retransmitted broadcast, the fees paid by cable system operators to retransmit the stations carrying the devotional broadcasts, and the number of persons distantly subscribing the stations broadcasting the devotional programs. I analyze each of these indicia below; my results are summarized in Table 2 above.

Relative Market Value Share Estimates

Length of the Distantly Retransmitted Broadcasts

6. The length of the distantly retransmitted broadcasts matters as different titles have different running times. In order to compare distantly retransmitted programming across titles with different running times it is necessary to convert broadcasts into broadcast hours. Further, as much of the data provided in this matter are in terms of broadcast quarter hours, it is useful to convert broadcast

hours into broadcast quarter hours. As shown in Table 1, IPG's claimed titles reflect 24,040 quarter-hours of distantly retransmitted broadcasts, or 51% of the IPG and Non-IPG combined distantly retransmitted broadcast quarter hours (see Table 2 above).¹⁵

Time of Day of the Distantly Retransmitted Broadcasts

7. The information from Nielsen Media Research includes data on total U.S. daily television viewership in 1997 by time of day starting at 6:00 am and going until 2:00 am in quarter-hour increments.¹⁶ According to these data, the average quarter hour of broadcasting between 6:00 am and 2:00 am generates an average of approximately 150 million viewers across the United States. Viewership varies by the time of day with some primetime quarter hours experiencing over 300 million viewers. **Exhibit IPG-5** shows the distribution of the IPG and Non-IPG broadcasts across time of day. Both IPG and Non-IPG distantly retransmitted broadcasts are distributed throughout the day with some quarter hours reflecting more IPG broadcasts and some quarters reflecting more Non-IPG broadcasts.

¹⁵ Note that this analysis uses the CDC data for the CSOs paying more than 70% of the distant retransmission fees paid in 1999. The sensitivity analysis below looks at the impact of the missing data on the analysis.

¹⁶ Such data has been produced electronically to the Non-IPG claimants as electronic file "MPAA PRODUCED NIELSEN DATA (SECOND)(102 STATIONS).txt."

8. **Exhibit IPG-6** further compares the time of day of IPG versus Non-IPG distantly retransmitted broadcasts by computing a weighted average viewership. Nielsen viewers weighted by IPG broadcast quarter hours reflect an average of 82 million viewers, and Nielsen viewers weighted by Non-IPG broadcast quarter hours reflect an average of 95 million viewers. In other words both IPG and Non-IPG broadcasts are at times of days that have lower than the average 150 million viewers.

9. On average, the Non-IPG broadcasts are at times when there are approximately 16% more viewers in the United States watching television than the IPG broadcasts.¹⁷ To the extent that the value of the broadcasts relates to viewership of the broadcasts, and to the extent that viewership of the broadcasts relates to overall viewership at the time of day of the broadcasts, this metric indicates that the Non-IPG distantly retransmitted broadcasts have more value than the IPG distantly retransmitted broadcasts. Specifically, this corresponds to a relative market value for IPG of 46%.¹⁸

¹⁷ $16\% = (95 \text{ million} - 82 \text{ million}) / 82 \text{ million}$.

¹⁸ Define the market value of the IPG share as x . Then, based on the time-of-day metric, the market value of the Non-IPG share is $1.16x$. Further, then the total market value of the combined IPG and Non-IPG share equals $x + 1.16x = 2.16x$. The relative market value of the IPG share is therefore $1x / 2.16x = 46\%$.

10. Notwithstanding, I understand that a prior ruling of the Librarian of Congress, in Phase I of these proceedings, held that household viewership is the “wrong thing” to measure for allocating cable retransmission royalties.

Distribution of 1998 and 1999 Cable Royalty Funds, 69 Fed. Reg. 3606, 3613 (Jan. 26, 2004). I further understand that the expert witness engaged by the Non-IPG Claimants in this proceeding has concluded that “there was no meaningful difference in the time of day, when the subject programs [claimed by IPG and the Non-IPG Claimants] were broadcast.”¹⁹ I present this time-of-day viewership analysis as it may provide an indication of market value but do not opine on the weighting of such indicia (compared with the other indicia in Table 2).

Fees Paid by CSOs Distantly Retransmitting Broadcasts

11. As discussed in my Opening Report, CSOs pay for the rights to retransmit stations broadcasting the IPG-claimed and Non-IPG claimed programs. By combining the CDC data on fees paid by station and the TV Data on broadcast quarter hours by station, I have analyzed the distribution of IPG and Non-IPG broadcast quarter hours by such fees paid. **Exhibit IPG-7** illustrates that, on average, IPG broadcast quarter hours are shown on stations that are retransmitted by CSOs who pay relatively more in distant retransmission fees than Non-IPG broadcasts. For example, Exhibit IPG-7 demonstrates that there 5,098 IPG

¹⁹ SDC Direct Statement (Dec. 2, 2013), Testimony of John Sanders, at pp. 7-8.

broadcast quarter hours shown by stations retransmitted by CSOs paying more than \$400,000 in fees compared with only 2,440 Non-IPG broadcast quarter hours.

Thus, the distant-retransmission-fees-paid-by-CSOs metric indicates that the IPG broadcasts have more value than the non-IPG broadcasts.

12. **Exhibit IPG-8** further analyzes the distant-retransmission-fees-paid-by-CSOs metric by matching every Non-IPG quarter hour broadcast with an IPG quarter hour broadcast. First, I separate the CSOs into groups by the amount paid in distant retransmission fees. The groups can be seen along the horizontal axis; for example, the first group of CSOs paid distant retransmission fees of less than \$50,000 and the second group of CSOs paid distant retransmission fees between \$50,000 and \$100,000. Exhibit IPG-8 shows that every Non-IPG broadcast quarter-hour can be matched with an IPG broadcast quarter hour in the same or higher group. This provides strong evidence, that by this metric, the IPG distantly retransmitted broadcast quarter-hours are more valuable than the Non-IPG distantly retransmitted broadcast quarter-hours. Thus, I conclude, as shown in row 3 of Table 2, that this metric indicates that the IPG relative share of market value is greater than 50%.

Distant Subscribers to CSOs Distantly Retransmitting Broadcasts

13. I have also analyzed the distant subscribers to CSOs distantly retransmitting broadcasts and how that varies across IPG and Non-IPG distantly

retransmitted broadcast quarter hours. **Exhibit IPG-9** illustrates the distribution of the IPG and Non-IPG broadcasts by the number of distant subscribers to the CSOs distantly retransmitting the broadcasts. Inspection of **Exhibit IPG-9** shows that the IPG and Non-IPG distantly retransmitted broadcasts are similarly distributed with some categories reflecting more IPG broadcasts and some categories reflecting more Non-IPG broadcasts. For example, Exhibit IPG-9 demonstrates that there 3,228 IPG broadcast quarter hours shown by stations retransmitted by CSOs with 30,000-39,999 distant subscribers compared with only 1,684 Non-IPG broadcast quarter hours.

14. **Exhibit IPG-10** further analyzes the distant-subscriber-to-CSOs metric computing a weighted average of distant subscribers. CSO distant subscribers weighted by IPG broadcast quarter hours reflect an average of 19,648 distant subscribers while CSO distant subscribers weighted by Non-IPG broadcast quarter hours reflect an average of 18,460 distant subscribers. In other words, on average, the IPG distantly retransmitted broadcasts are retransmitted by CSOs on stations with approximately 6% more distant subscribers than Non-IPG distantly retransmitted broadcasts.²⁰ To the extent that the value of the broadcasts relates to the number of distant subscribers to the CSOs retransmitting the station, this metric indicates that IPG distantly retransmitted broadcasts have more value than Non-

²⁰ $6\% = (19,648 - 18,460) / 18,460$.

IPG distantly retransmitted broadcasts. Specifically, this corresponds to a relative market value for IPG of 51%²¹, as shown in row 4 of Table 2.

Sensitivity Analysis of Relative Market Value Share Estimates

15. As described in my Opening Report, my analysis relies on information from TV Data including broadcast data on program titles for stations retransmitted by more than 2,700 CSOs who together paid more than \$80 million in distant retransmission fees. With total local and distant retransmission fees for all CSOs summing to \$113 million in 1999,²² the CSOs in my CDC sample reflect the majority, more than 70%, of the distant retransmission fee generation.²³ This sensitivity analysis examines the impact of not having data on the remaining CSOs and not having the corresponding TV Data information on the claimed titles broadcast by the stations retransmitted by such CSOs (“the missing data”).

16. If the missing data has similar characteristics to the data analyzed, then there will be no significant impact on my results. In the scenario least favorable to IPG all of the missing data would reflect broadcast quarter hours for Non-IPG titles

²¹ Define the market value of the Non-IPG share as x . Then, based on the distant-subscriber-to-CSOs metric, the market value of the IPG share is $1.06x$. Further, then the total market value of the combined IPG and Non-IPG share equals $x + 1.06x = 2.06x$. The relative market value of the IPG share is therefore $1.06x/2.06x = 51\%$.

²² See website for the U.S. Copyright Office, Licensing Division at <http://www.copyright.gov/licensing/lic-receipts.pdf>.

²³ $71\% = \$80 \text{ million} / \113 million .

and in the scenario most favorable to IPG all the missing data would reflect broadcast quarter hours for IPG titles. **Table 3** shows the impact of considering the least favorable and most favorable scenarios on the relative market value share estimates and shows that the IPG relative market share value ranges from 33% to 65% in the extreme cases in which all missing data benefits the Non-IPG claimants on the one hand, or IPG on the other.

Table 3: Sensitivity of Relative Market Value Estimates²⁴

	IPG – High	IPG – Low	Non-IPG – High	Non-IPG – Low
Hours of Claimed Distantly Retransmitted Broadcasts	65%	36%	35%	64%
Time of Day of Distantly Retransmitted Broadcasts	62%	33%	38%	67%
Fees Paid by CSOs Distantly				

²⁴ Note: (IPG High plus Non-IPG High) = 100% and (IPG Low plus Non-IPG Low) = 100%. “Low” reflects the least favorable scenario for IPG and “High” reflects the most favorable scenario for IPG. The “Low” scenario assumes that all missing broadcast quarter-hours reflect non-IPG titles and the “High” scenario assumes that all missing broadcast quarter-hours reflect IPG titles. For example, Table 2 indicates that the relative market value share for IPG based on the “hours of claimed distantly retransmitted broadcasts” is 51%. If all the missing data reflect Non-IPG titles then IPG’s relative market value share is 51%*71%=36% as shown in the second column of the first row of Table 3.

Retransmitting Broadcasts ²⁵	64%	36%	36%	64%
Number of Distant Subscribers to CSOs Distantly Retransmitting Broadcasts	64%	36%	36%	64%

IV. CONCLUSIONS

17. In this report, using additional data provided in the Written Direct Statement filed by the Non-IPG Claimants, I complete my analysis of the relative market value of the retransmitted broadcasts claimed by IPG and the Non-IPG Claimants and estimate the share attributable to IPG.

18. I analyze four indicia of value: the length of the retransmitted broadcasts, the time of day of the retransmitted broadcast, the fees paid by cable system operators to retransmit the stations carrying the devotional broadcasts, and the number of persons distantly subscribing the stations broadcasting the devotional programs. My results are summarized in Table 2 and indicate that the share attributable to IPG is in the range of 46%-51% or more.

²⁵ Uses 50% as base number for computations (Table 2 indicates “more than 50%” and “less than 50%”).

Respectfully submitted,



Laura O. Robinson, Ph.D
Navigant Consulting, Inc.

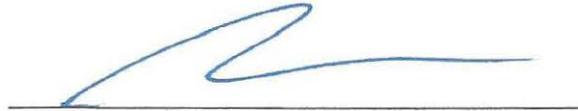
I declare under penalty of perjury that the foregoing testimony is true and correct to the best of my knowledge. Executed this 31 day of January, 2014.



Laura O. Robinson

CERTIFICATE OF SERVICE

I hereby certify that on this 31st day of January, 2014, a copy of the foregoing was sent by electronic mail to the parties listed on the attached Service List.



Brian Boydston

DEVOTIONAL CLAIMANTS:

Clifford M. Harrington
Matthew MacLean
Pillsbury, Winthrop, et al.
P.O. Box 57197
Washington, D.C. 20036-9997

Exhibit IPG-1

**IPG-represented claimants
1999 Cable Distribution proceedings (Phase II) (Devotional)**

	Devotional
1	Adventist Media Center Productions
2	Benny Hinn Ministries
3	Creflo A. Dollar Ministries
4	Eagle Mountain International Church aka Kenneth Copeland Ministries
5	Feed the Children, Inc.
6	Life Outreach International

Exhibit IPG-2

Exhibit IPG-3

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EDUCATION

Ph.D., Columbia Business School, Finance and Economics Division, Thesis: *Information Acquisition in Financial Markets*, 1994

M.Phil, Columbia Business School, Finance and Economics Division, 1994

M.A., Economics, Columbia University, Graduate School of Arts and Sciences, 1990

A.B., Economics, *cum laude*, Harvard University, Cambridge, MA, 1986

MCLE Credit Program (42 Hours), Pepperdine University, School of Law, Straus Institute for Dispute Resolution, "Mediating the Litigated Case," 2009

PRESENT POSITIONS

Navigant Consulting, Inc., *Managing Director & Principal*, 2011 to present

Damages Subcommittee, Criminal Litigation Committee, American Bar Association's Section of Litigation, *Chair*, 2013 to present

The Greatest Gift Corporation: focuses on the development of various intellectual property rights. *Director and Treasurer*, 1996 to present

Great Kids, Inc. (non-profit): Promoting the best possible outcomes for children and families by developing exceptional home-based, early childhood programs. *Director*, 2008 to present

PROFESSIONAL EXPERIENCE

Financial Analytics Consulting Team, Inc., Los Angeles, CA, *Founder*, 2006 - 2010

University of Southern California, Economics Department, *Adjunct Assistant Professor*, 2010

Howrey LLP, Los Angeles, CA, *Managing Principal, CapAnalysis Division*, 2003-2006

Analysis Group/Economics, Los Angeles, CA, *Vice President/Senior Economist*, 1998-2003

Milken Institute, Santa Monica, CA, *Research Associate*, 1994-1998

University of Southern California, Marshall School of Business, *Part-Time Faculty*, 1995-1996

State University of New York At Stony Brook, Harriman School of Management and Policy and, by courtesy, Department of Economics, *Assistant Professor*, 1993-1995

New York Institute of Finance, *Instructor*, 1991-1992

Columbia Business School, *Teaching Assistant and Research Assistant*, 1989-1993

ICF Inc., Washington, DC, *Research Assistant*, 1986-1987

Harvard University, Computer Science (QRR) *Teaching Fellow*, 1983-1984

Applitech Software, *Software Programmer*, Summer 1984

HONORS AND AWARDS

Research Grant, Research Foundation of the State University of New York. 1993-1994
 Fellow, Graduate School of Business, Columbia University, New York, NY. 1990-1993
 Fellow, Earhart Foundation, Ann Arbor, MI. 1989-1990
 Fellow, Bradley Foundation, New York, NY. 1988-1989
 Harvard College Scholarship, Harvard University, Cambridge, MA. 1984-1985
 Elizabeth Cary Agassiz Merit Award, Radcliffe College, Cambridge, MA. 1984-1985

EXPERT WITNESS

- 2013 Submitted expert report and rebuttal report and provided deposition testimony in the matter of *Virginia Innovation Sciences, Inc. v. Samsung Electronics Co., Ltd., Samsung Electronics America, Inc., and Samsung Telecommunications America LLC*, (United States District Court, Eastern District of Virginia, Norfolk Division Case No. 2:12-CV-548).
- 2013 Submitted expert report and provided trial testimony in the matter of *Distribution of 2000, 2001, 2002, And 2003 Cable Royalty Funds*, (Before the Copyright Office, Library of Congress, 2008-2 CRB CD 2000-2003 (Phase II)).
- 2013 Submitted expert report in the matters of *Vector Calculus Fund, LLC, Velocity Partners Fund, LLC, A Partner Other Than The Tax Matters Partners v. Commissioner of Internal Revenue*; and *Veritas Cambridge Fund, LLC, Velocity Partners Fund, LLC, A Partner Other Than The Tax Matters Partners v. Commissioner of Internal Revenue* (United States Tax Court, Docket Nos. 11481-12 and 11692-12).
- 2013 Submitted expert report in the matter of *Milo H. Segner, Jr. as Trustee of the PR Liquidating Trust v. Sinclair Oil & Gas Company, The Sinclair Companies, Sinclair Finance Company, and Sinclair Oil Corporation* (United States District Court, Northern District of Texas, Dallas Division, Case No. 3:11-cv-03606-F).
- 2013 Submitted expert report and rebuttal report and provided deposition and trial testimony in the matter of *Huff Fund Investment Partnership d/b/a Musashi II LTD. and Bryan E. Bloom v. CKX, Inc.* (In the Court of Chancery, State of Delaware, C.A. No. 6844-VCG).
- 2012 Submitted expert report re economic value of litigation claims in the matter of *In Re: M Waikiki LLC, Debtor* (United States Bankruptcy Court, District of Hawaii, Chapter 11 Case No. 11-02371).
- 2011 Retained and submitted expert report re economic value of injunctive relief in the matter of *Fiori, et al. v. Dell, et al.* (USDC Case No. 09 CV 01518 JW).

- 2010 Retained as economic damages expert in the matter of *Grover Landscape Services v. Foster Poultry Farms* (Placer County Superior Court No. SCV 24955).
- 2010 Testified in trial in the matter of *Compulink v. St. Paul Fire and Marine* as an expert witness for plaintiff regarding legal fees dispute in insurance coverage matter (JAMS Case No. 1200042429).
- 2009 Provided expert report re economic damages and reasonable royalties in patent infringement dispute in the matter of *MAG Instrument, Inc. v. The Coleman Company, Inc. et al.* (United States District Court, Central District of California, Case No. CV 09-01842-R (OPx)).
- 2009 Designated as expert witness for defendants regarding remediation costs in *Orange County Water District v. Northrop et al.* (Orange County Superior Court, Case No. 04CC00715).
- 2009 Provided trial and deposition testimony on behalf of plaintiff in the matter of *Signature Networks, Inc. v. Major League Baseball Advanced Media, Inc.* (American Arbitration Association, Case No. 13 117 Y 00659 07)
- 2008 Designated as expert witness regarding economic damages in the matter of *Steven Fields v. Moxie Enterprises, Inc.* matter. Retained on behalf of defendant to estimate value partnership and related dissolution issues.
- 2008 Provided confidential expert consulting services to major shareholder of a comScore Media Metrix top ten Internet company; valuation of equity shares pre and post dilution; provided financial and economic analyses for successful settlement.
- 2008 Provided deposition testimony re economic damages in real estate foreclosure matter on behalf of the plaintiff in the matter of *Desiree and Patrick Cabana v. Rodriguez et al.* (Superior Court of the State of California County of Los Angeles, Case BC351551).
- 2008 Submitted expert report re economic damages from breach of contract claim in pharmaceutical industry. Retained on behalf of defendant in the matter of *SinoMab Bioscience Ltd., Skytech Technology Ltd., and Shui-on Leung v. Immunomedics, Inc.* (In the Court of the Chancery of the State of Delaware in and for New Castle County, Case No. 2471-N).
- 2007 Provided expert consulting and analysis re economic damages and financial health of hedge fund in contract dispute. Participated in successful mediation on behalf of plaintiff in the matter of *Andrew C. Sankin v. Perceptive Advisors, LLC* (JAMS/Endispute New York City, Ref. No. 1420017681).

- 2007 Designated as expert witness and provided analysis of economic damages in theft of trade secrets matter; retained by defendants in the matter of *Robert Half International, Inc. v. Denise M. Bennet Walls et al.* (American Arbitration Association, Case No. 33 181 00121 06).
- 2006 Submitted expert report and provided deposition testimony re economic damages in theft of trade secrets matter. Retained by defendants in the matter of *Robert Half International, Inc. v. Vaco, LLC et al.* (Circuit Court of the Ninth Judicial Circuit in and for Orange County, Florida, Case 48-2005-CA-005454-O).
- 2006 Submitted expert report on behalf of plaintiff re economic damages in patent infringement and unfair business practices matter, *American Tru-Spinners, Inc. et al. v. Super Buy Tires, Inc. et al.* (United States District Court, Southern District of California, Case No. 05 CV).
- 2005 Retained as a testifying expert re economic damages by plaintiff in antitrust matter *The Epoch Group, Inc. et al. v. Finisar et al.* (United States District Court, Central District of California, Case No. CV05 7262 SVW CTX).
- 2005 Designated as a testifying expert re economic damages by plaintiff in a contract dispute with unfair practices claims in the matter of *The Epoch Group, Inc. et al. v. EMC Corp., et al.* (Ventura County Superior Court, Case No. SC039439).
- 2005 Retained as a financial testifying expert by plaintiff in a dispute regarding a life insurance claim in the matter of *Stevenson et al. vs. The Prudential Insurance Company of America et al.* (Los Angeles County Superior Court, Central District, Case No. BC296439). Prepared an analysis of the financial health of Prudential Insurance Company of America.
- 2004-2005 Retained as a financial and economic testifying expert by defendant Lycos, Inc. in a dispute regarding an earn out clause pursuant to a merger in the matter of *Valani et al vs. Lycos et al.* (United States District Court, Northern District of California, Case No. C 03 463 JSW ARB). Prepared an analysis of damages.
- July 2004 Designated as a financial and economic testifying expert to provide an analysis of damages by defendants First National Bank of Central Texas and Electronic Financial Group, Inc. in a breach of contract dispute regarding debit card fees and commissions in the matter of *Mazumah, Inc. v. 4Electronic Funds Transfer, Inc. et al.* (San Diego County Superior Court, Central Division, Case No. GIC819657).
- June 2004 Provided trial and deposition testimony regarding lost profits and reasonable royalties on behalf of PLH Products, Inc. in a theft of trade secrets dispute between *PLH Products, Inc. v. Saunas R Us et al.* (Los Angeles County Superior Court, East District, No. KC 041545L)

May 2003	Provided trial and deposition testimony regarding economic damages from contract dispute on behalf of Pacific Bell for <i>Tel-Rom v Pacific Bell Telephone Company and Pacific Bell Public Communications</i> (Los Angeles County Superior Court No. BC 252881)
January 2003	Designated as an expert re economic damages on behalf of Zoasis Corporation for <i>Acree and Hiestand v VCA Antech, Inc., Zoasis Corporation, and Robert Antin</i> (Los Angeles County Superior Court No. BC 262736)
December 2002	Designated as an expert re economic damages from employment contract dispute on behalf of Avjet Corporation for <i>Avjet Corporation v Dominguez</i> . (Los Angeles County Superior Court (Van Nuys) No. LC 060723)
November 2002	Submitted Declaration re damages from improper credit card late fees and finance charges on behalf of the Class for <i>Priore et al. v World Financial Network Bank, et al.</i> (United States District Court for the Southern District of Florida, Miami Division, Case No. 00-4373-CIV-HUCK)
September 2002	Submitted Declaration re damages from improper credit card late fees and finance charges on behalf of the Class for <i>Lillian Lopez et al. v GE Capital Consumer Card Co.</i> (United States District Court for the Southern District of Florida, Miami Division, Case No. 01-4828-CIV-SEITZ/GARBER)
September 2002	Submitted Declaration re damages from improper credit card late fees and finance charges on behalf of the Class for <i>Hernandez et al. v Monogram Credit card Bank of Georgia, et al.</i> (In the Circuit Court of the 11 th Judicial Circuit in and for Miami-Dade County, Florida, Case No. 01-23566 CA 06)
May 2002	Provided deposition testimony re stock option valuation and economic damages on behalf of Daniel DiPaola in <i>Daniel DiPaola v. California Tickets.com Inc., Idealab! Holdings, Inc., et al.</i> (Los Angeles County Superior Court No. BC 2234973)
May 2002	Provided deposition testimony on reasonable royalties and economic damages in software-related patent infringement matter on behalf of Sentius Corporation in <i>Sentius Corp. v. Flyswat, Inc.</i> (United States District Court, Northern District of California, Case No. C 00 2233 SBA)
March 2002	Provided trial and deposition testimony re economic damages from contract dispute on behalf of Cambridge Information Systems in <i>MOCA, Inc., Merisel Inc. v. Cambridge Information Systems, Inc. et al.</i> (Los Angeles County Superior Court No. YC040542)

February 2002	Provided trial and deposition testimony re economic damages and statistical analysis of discrimination on behalf of defendants in <i>Apple One v. Olsten Staffing Services, Inc., Smith, Reichers, et al.</i> (Los Angeles County Superior Court No. BC 200657)
October 2001	Provided trial and deposition testimony on economic damages from theft of trade secrets on behalf of El St. John in <i>Golden Road Presents, Inc., Silver Cybertech Inc., and El St. John v. Harvey J. Anderson, Flywheel, Inc. et al.</i> (San Francisco Superior Court No. 313897)
August 2001	Submitted Declaration re damages from improper credit card late fees and finance charges on behalf of the Class for <i>Boehr et al. v. Bank of America, et al.</i> (United States District Court, District of Arizona, Case No. CIV'99 22 65 PHX PGR)
August 2001	Designated as an economic expert re lost earnings on behalf of California State University in <i>Bell v. California State University, San Marcos et al.</i> (San Diego County Superior Court No. GIN 008719)
June 2001	Designated as economic expert re lost earnings on behalf of Minnesota Mining and Manufacturing Company in the matter of <i>Colon v. Minnesota Mining and Manufacturing Company, Imation Corp., et al.</i> (Los Angeles County Superior Court No. BC 240741)
January 2001	Submitted Declaration re damages from improper credit card late fees and finance charges on behalf of the Class for <i>Martin Klausner vs. First Union Direct Bank, N.A.</i> (United States District Court, Central District of California, Case No. 00-04267 LGB (AJWx))
December 2000	Designated as an economic expert re lost earnings on behalf of APCOA/Standard Parking, Inc. in <i>John Becka v. APCOA/Standard Parking, Inc.</i> (United States District Court, Central District of California - Southern, Case No. SA CV 00-190)
October 2000	Submitted expert report and declaration re statistical analysis of housing discrimination on behalf of Coachella Valley Housing Coalition for <i>City of Moreno Valley Coachella Valley Housing Coalition v. City of Moreno Valley</i> (U.S.D.C. Case No. EDV 96-430 RT (VAPx))
September 2000	Submitted Declaration re damages from improper credit card late fees and finance charges on behalf of the Class for <i>Elliot Schwartz et al. v. Citibank (South Dakota) N.A., Universal Bank, N.A., Universal Financial Corp., et al.</i> (United States District Court, Central District of California, Case No. 00-00075 LGB (JWJX))
August 2000	Designated as an economic expert re lost earnings on behalf of California State University in <i>Lillian Colores v. California State University, Los Angeles et al.</i>

- May 2000 Designated as a business expert re start-up valuation for *Richard McPherson v. Catherine Chien, Jeff Chien, et al.* litigation (Orange County Superior Court No. 808613)
- June 1999 Submitted expert report re lost earnings on behalf of Seminis Vegetable Seeds in *Herrejon v. Seminis Vegetable Seeds, Inc.* (Ventura County Superior Court No. CIV 181907)
- October 1998 Designated as a financial expert re customer fees in *State of California ex rel. Stull v. Bank of America, et al.* litigation (San Francisco Superior Court No. 968484)

IN THE NEWS

Quoted in: Yang, J. L., Hamburger, T. and ElBoghdady, D. (2013, May 6). How 'political intelligence' can come from Congress itself. *The Washington Post*. Retrieved May 30, 2013, from <http://www.washingtonpost.com>.

Heather Smith, "The Fix Is In," *Corporate Counsel*, "Howrey Litigators Elizabeth Weaver and Joanne Lichtman and Economist Laura Robinson: Taking a Calculated Risk on Unocal's Environmental Docket". (November, 2005)

ARTICLES AND PRESENTATIONS

"Financial-Fraud Enforcement on the Rise," Winter 2013, Vol. 13 No. 2, *Criminal Litigation*, American Bar Association Section of Litigation.

"Establishing Organizational Standing and Damages," Presentation with Liam Garland, F. Willis Caruso, and Sharon Kinlaw, February 2009, *16th Annual Fair Housing Laws and Litigation Conference*, San Diego, CA.

"Controlling Costs, Managing Risk: A Guide to Early Case Assessment and Litigation Budgeting," with Elizabeth Weaver, Joanne Lichtman, and Gil Keteltas, October 2006, MCLE Course for Howrey LLP attorneys and clients.

"Decision Tree Analysis: An effective tool for predicting and optimizing litigation outcomes," 2004, MCLE course for Howrey Simon Arnold & White, LLP attorneys.

"Economics of the Rapidly Changing Music Industry," 2001, *Analysis Group Newsletter*.

"Turning Internet Traffic into Dollars: Using Data to Create Value," 1999, in *Advising the Cyber Start-Up*, Center for Continuing Education, Monterey, CA, CD-ROM, MCLE Course.

"Organizational Decision Making with Similar Alternatives," (with Amy E. Hurley), 1999, *The Journal of Psychology*, 133(1), 73-84.

"ESOPs, Managerial Entrenchment, and Firm Performance," 1997, *French Finance Association 14th International Conference Proceedings*, Grenoble, France.

"ESOPs: For Whose Benefit?" 1996, *Jobs and Capital*, Milken Institute.

"Small Businesses Deserve More," *Los Angeles Business Journal*, August 26, 1996.

"Venture Capitalists in an Information Equilibrium," 1994, *Decision Sciences Institute 1994 Annual Conference Proceeding*.

PROFESSIONAL ORGANIZATIONS

American Bar Association (Associate)

American Finance Association

Financial Management Association

American Economic Association

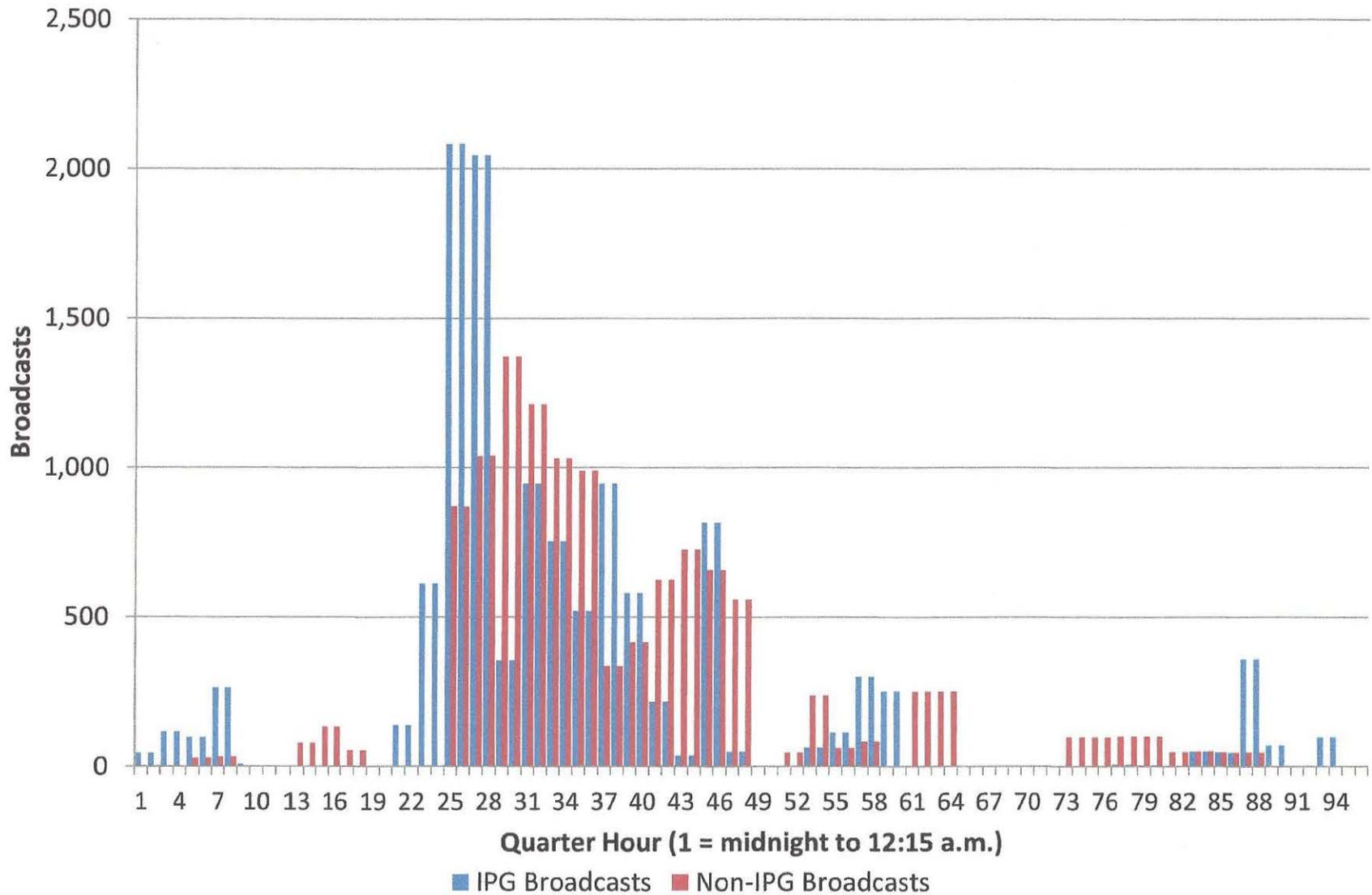
Exhibit IPG-4

Program Titles

<u>IPG Titles</u>	<u>Non-IPG Titles</u>
Believer's Voice of Victory	Hour of Power
Benny Hinn	In Touch Ministries
Benny Hinn Daily	In Touch
Breath of Life	700 Club
Creflo A. Dollar Jr.	Dr. James Kennedy
Creflo A. Dollar Jr. Weekly	Coral Ridge Ministry
Feed the Children	Coral Ridge Ministries
It Is Written	Coral Ridge Hour
James Robinson	Hour of Healing
James Robison	Coral Ridge
Kenneth Copeland	Christian World News
Life Today With James Robison	James Kennedy
This Is Your Day	Miracles Now
Feed the Children: the Kosovo Crisis	In Touch With Dr. Charles Stanley
	The Coral Ridge Hour

Exhibit IPG-5

Shares of Broadcasts by Quarter Hour



Note: A broadcast is counted for a given quarter hour if it is run during any part of the given quarter hour.
 Source: Broadcast data from TV Data (cka Tribune Media).

Exhibit IPG-6

Weighted Average Nielsen Viewers

Quarter Hour	IPG Broadcasts	Non-IPG Broadcasts	Nielsen Viewers
QH1	45	0	89,131,044
QH2	45	0	83,614,706
QH3	117	0	72,667,216
QH4	117	0	65,563,570
QH5	98	30	44,570,007
QH6	98	30	41,737,148
QH7	264	33	37,045,636
QH8	264	33	34,672,789
QH25	2,083	871	17,636,529
QH26	2,083	870	18,998,068
QH27	2,045	1,039	26,723,437
QH28	2,045	1,040	27,985,534
QH29	356	1,372	54,589,766
QH30	356	1,372	55,907,225
QH31	947	1,212	66,487,835
QH32	947	1,212	64,289,031
QH33	753	1,032	76,106,355
QH34	753	1,032	75,807,658
QH35	521	990	78,829,523
QH36	521	990	75,625,707
QH37	947	337	115,645,796
QH38	947	337	116,689,966
QH39	581	417	118,958,953
QH40	581	417	117,350,032
QH41	218	626	111,128,001
QH42	218	626	110,323,459
QH43	37	726	123,734,537
QH44	37	726	122,727,675
QH45	817	659	157,755,545
QH46	817	659	158,300,885
QH47	51	559	167,326,219
QH48	51	559	166,155,949
QH49	1	2	177,293,009
QH50	1	2	177,729,370
QH51	1	49	187,889,177
QH52	1	49	187,143,183
QH53	65	239	138,106,185
QH54	65	239	137,734,695
QH55	115	63	142,402,182
QH56	115	63	141,508,048
QH57	301	85	141,672,754
QH58	301	85	141,803,166
QH59	252	0	143,614,886
QH60	252	0	141,737,490
QH61	0	251	133,242,226
QH62	0	251	132,653,702
QH63	0	251	142,057,040

Weighted Average Nielsen Viewers

Quarter Hour	IPG Broadcasts	Non-IPG Broadcasts	Nielsen Viewers
QH64	0	251	141,689,759
QH65	0	0	144,239,518
QH66	0	0	142,633,771
QH67	0	0	146,061,636
QH68	0	0	144,381,228
QH69	0	0	162,951,133
QH70	0	0	164,515,584
QH71	0	0	174,529,552
QH72	0	0	174,504,881
QH73	1	98	183,511,740
QH74	1	98	184,927,581
QH75	1	98	214,758,710
QH76	1	98	213,037,338
QH77	7	102	244,459,675
QH78	7	102	243,644,178
QH79	5	102	263,742,575
QH80	5	102	263,555,414
QH81	1	50	301,798,008
QH82	1	50	300,335,214
QH83	51	51	312,907,765
QH84	51	52	313,049,330
QH85	50	50	307,075,317
QH86	50	50	305,097,099
QH87	361	50	308,232,663
QH88	361	50	304,835,895
QH89	73	0	231,984,610
QH90	73	0	223,542,658
QH91	0	0	205,643,950
QH92	0	0	192,083,623
QH93	100	0	137,551,302
QH94	100	0	132,342,705
QH95	0	0	127,984,325
QH96	0	0	121,555,592

Weighted Average Nielsen Viewers for IPG Broadcasts: 82,006,253

Weighted Average Nielsen Viewers for Non-IPG Broadcasts: 94,926,117

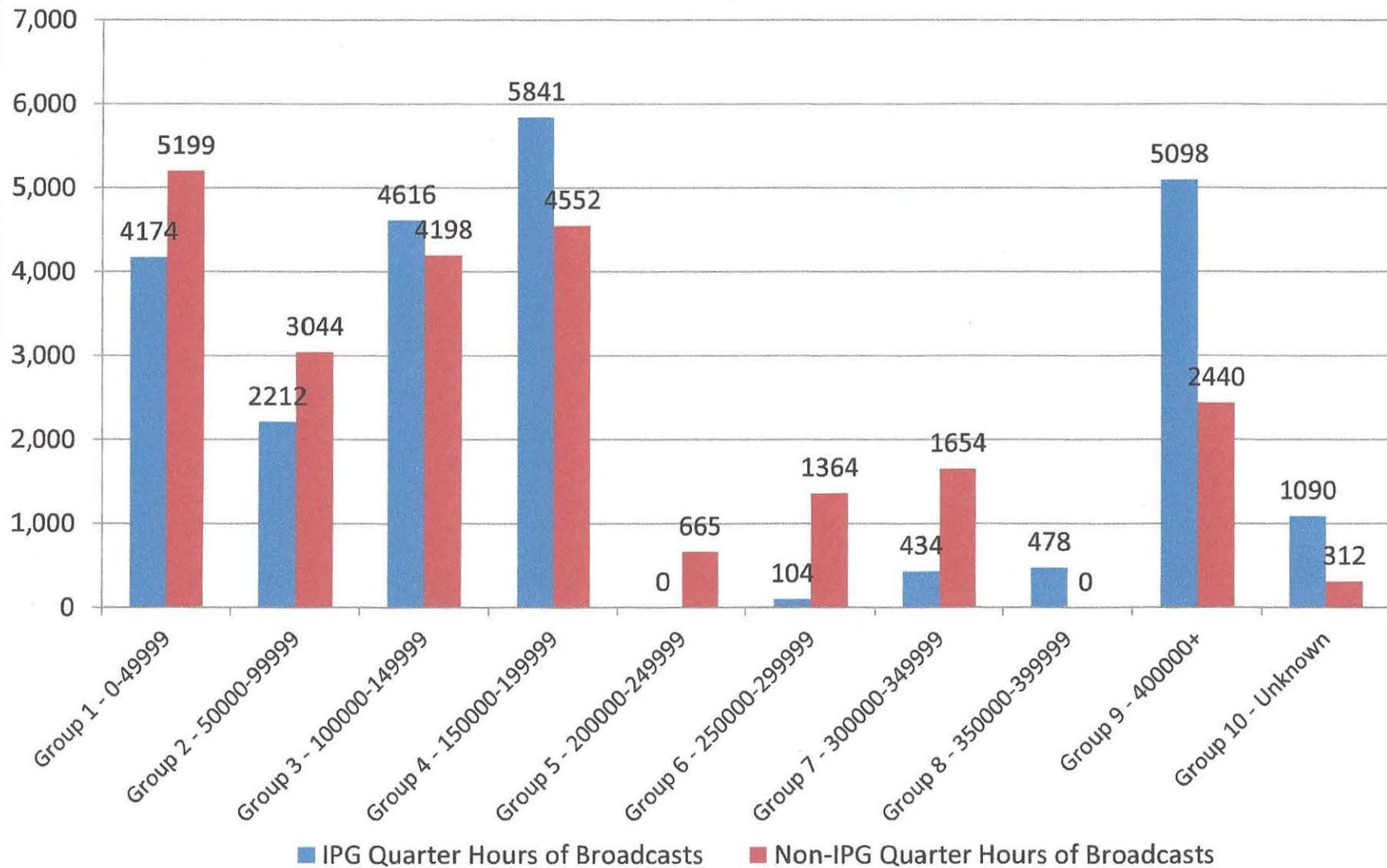
Note:

QH 9 - 24 are excluded, as no Nielsen data is available for these periods.

Sources: Broadcast data from TV Data (cka Tribune Media); Nielsen data.

Exhibit IPG-7

Quarter Hours by Fee Gen Category



Note: A broadcast is counted for a given quarter hour if it is run during any part of the given quarter hour.

Sources: Broadcast data from TV Data (cka Tribune Media); data from the Cable Data Corporation.

Exhibit IPG-8

Matchup of SDC to IPG Quarter Hours Based on Fee Gen Category

		Category (Lowest Fee Gen=1 -> Highest Fee Gen=10)										
		0-49999	50000-99999	100000-149999	150000-199999	200000-249999	250000-299999	300000-349999	350000-399999	400000+	Unknown	Total
Category (Fee Gen)	Non-IPG \ IPG:	4174	2212	4616	5841	0	104	434	478	5098	1090	24047
0-49999	5199	4174	1025									5199
50000-99999	3044		1187	1857								3044
100000-149999	4198			2759	1439							4198
150000-199999	4552				4402	0	104	46				4552
200000-249999	665							388	277			665
250000-299999	1364								201	1163		1364
300000-349999	1654									1654		1654
350000-399999	0									0		0
400000+	2440									2281	159	2440
Unknown	312										312	312
Total	23428	4174	2212	4616	5841	0	104	434	478	5098	471	619

Sources: Broadcast data from TV Data (cka Tribune Media); data from the Cable Data Corporation.

Exhibit IPG-9

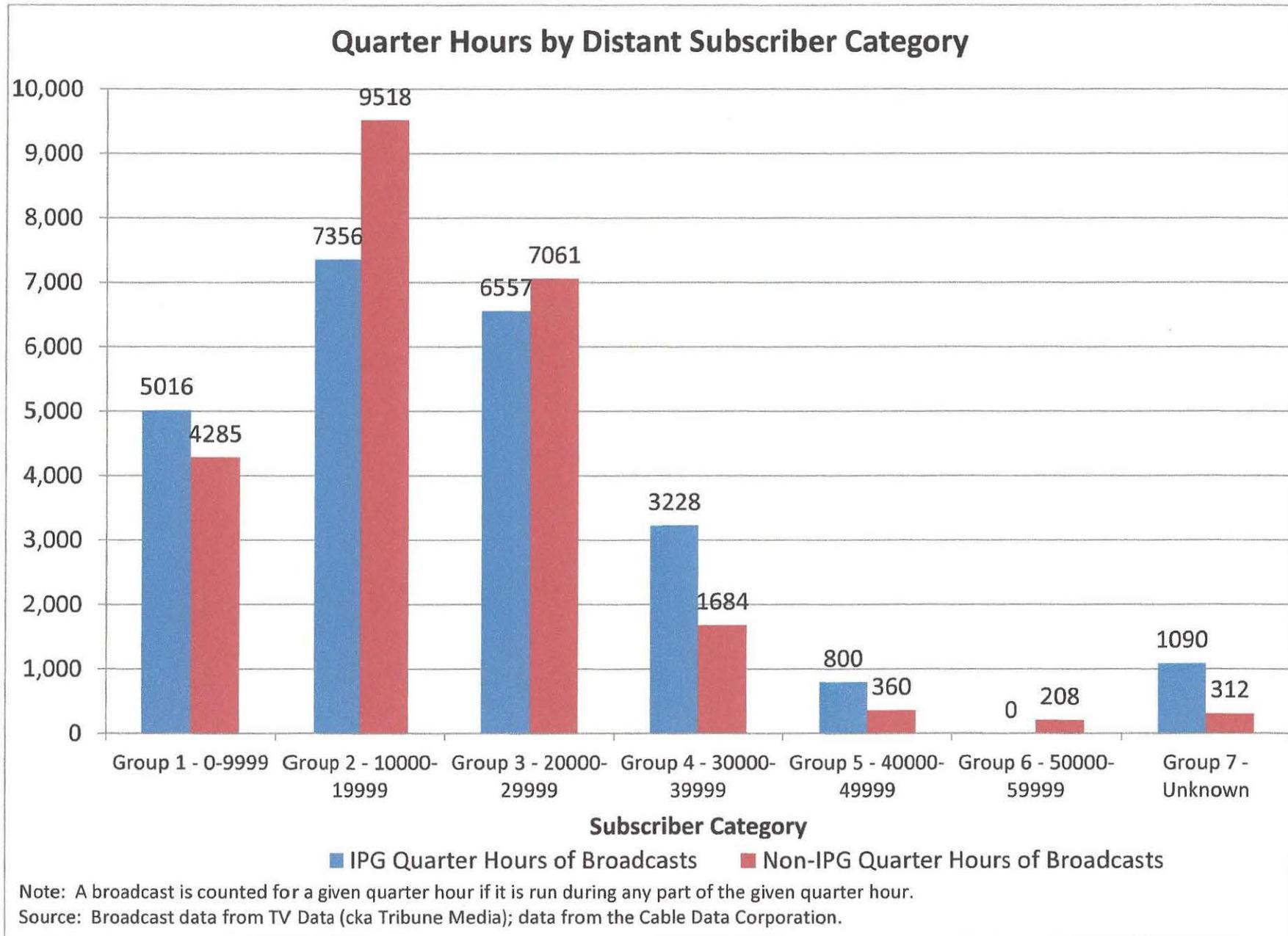


Exhibit IPG-10

Weighted Average Subscribers

Quarter Hour	QH of IPG Broadcasts	Average IPG Subscribers	QH of Non-IPG Broadcasts	Average Non-IPG Subscribers
QH1	45	18,310	0	
QH2	45	18,310	0	
QH3	117	25,589	0	
QH4	117	25,589	0	
QH5	98	29,812	30	20,504
QH6	98	29,812	30	20,504
QH7	264	1,605	33	20,504
QH8	264	1,605	33	20,504
QH9	9	30,474	0	
QH10	1	33,845	0	
QH11	1	33,845	0	
QH12	0		1	20,504
QH13	0		80	18,574
QH14	0		80	18,574
QH15	0		134	18,550
QH16	0		134	18,550
QH17	0		55	18,550
QH18	0		55	18,550
QH19	1	27,071	0	
QH20	1	27,071	0	
QH21	139	33,845	0	
QH22	139	33,845	0	
QH23	613	24,825	0	
QH24	613	24,825	0	
QH25	2,083	20,664	871	27,112
QH26	2,083	20,664	870	27,104
QH27	2,045	17,897	1,039	21,818
QH28	2,045	17,897	1,040	21,829
QH29	356	18,086	1,372	21,101
QH30	356	18,086	1,372	21,101
QH31	947	20,708	1,212	21,974
QH32	947	20,708	1,212	21,974
QH33	753	26,382	1,032	16,816
QH34	753	26,382	1,032	16,816
QH35	521	23,065	990	16,792
QH36	521	23,065	990	16,792
QH37	947	12,466	337	16,790
QH38	947	12,466	337	16,790
QH39	581	34,052	417	16,426
QH40	581	34,052	417	16,426
QH41	218	35,462	626	19,616
QH42	218	35,462	626	19,616
QH43	37	18,906	726	19,067
QH44	37	18,906	726	19,067
QH45	817	16,415	659	16,676
QH46	817	16,415	659	16,676
QH47	51	8,722	559	16,863
QH48	51	8,722	559	16,863
QH49	1	27,071	2	25,509
QH50	1	27,071	2	25,509
QH51	1	27,071	49	25,450
QH52	1	27,071	49	25,450
QH53	65	16,427	239	6,337
QH54	65	16,427	239	6,337

Weighted Average Subscribers

Quarter Hour	QH of IPG Broadcasts	Average IPG Subscribers	QH of Non-IPG Broadcasts	Average Non-IPG Subscribers
QH55	115	9,364	63	6,657
QH56	115	9,364	63	6,657
QH57	301	2,881	85	6,222
QH58	301	2,881	85	6,222
QH59	252	289	0	
QH60	252	289	0	
QH61	0		251	182
QH62	0		251	182
QH63	0		251	182
QH64	0		251	182
QH65	0		0	
QH66	0		0	
QH67	0		0	
QH68	0		0	
QH69	0		0	
QH70	0		0	
QH71	0		0	
QH72	0		0	
QH73	1	19,333	98	37,178
QH74	1	19,333	98	37,178
QH75	1	19,333	98	37,178
QH76	1	19,333	98	37,178
QH77	7	21,601	102	19,043
QH78	7	21,601	102	19,043
QH79	5	21,830	102	19,043
QH80	5	21,830	102	19,043
QH81	1	7,506	50	182
QH82	1	7,506	50	182
QH83	51	326	51	182
QH84	51	326	52	182
QH85	50	182	50	182
QH86	50	182	50	182
QH87	361	26,930	50	182
QH88	361	26,930	50	182
QH89	73	37,178	0	
QH90	73	37,178	0	
QH91	0		0	
QH92	0		0	
QH93	100	16,029	0	
QH94	100	16,029	0	
QH95	0		0	
QH96	0		0	

Weighted Average Subscribers for IPG Broadcasts: 19,648
Weighted Average Subscribers for Non-IPG Broadcasts: 18,460

Sources: Broadcast data from TV Data (cka Tribune Media); Nielsen data.