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5 *Attorneys for Plaintiffs*

6 UNITED STATES DISTRICT COURT
7 CENTRAL DISTRICT OF CALIFORNIA
8 WESTERN DIVISION

9 EDWARD ASNER, *et al.*,

10 Plaintiffs,

11 vs.

12 THE SAG-AFTRA HEALTH FUND,
13 *et al.*,

14 Defendants.

CASE NO. 2:20-cv-10914-CAS (JEMx)

DECLARATION OF NEVILLE L. JOHNSON IN SUPPORT OF PLAINTIFFS' MOTIONS FOR FINAL APPROVAL OF CLASS ACTION SETTLEMENT AND ATTORNEYS' FEES, REIMBURSEMENT OF LITIGATION EXPENSES, AND SERVICE AWARDS

Date: September 11, 2023
Time: 10:00 a.m.
Courtroom: 8D

The Hon. Christina A. Snyder

20 I, Neville L. Johnson, declare as follows:

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22 1. I am a partner at Johnson & Johnson LLP. I submit this Declaration in
23 support of Plaintiffs' Motion for Attorneys' Fees, Reimbursement of Litigation
24 Expenses, and Service Awards. I make this declaration based on my own personal
25 knowledge, and if called upon to do so, could testify competently to the matters set
26 forth herein.

Johnson & Johnson LLP's Professional Qualifications

27 2. Johnson & Johnson LLP has over four decades of relevant experience
28 in complex class action litigation with an emphasis in protecting the rights of

1 celebrities, actors, musicians, models, authors, athletes, and other talents in high-
2 profile entertainment matters litigation. Indeed, we are widely viewed as pioneers
3 of entertainment class actions where we represent talent — including actors,
4 musicians, writers, producers, directors, and others — who are mistreated by
5 established entities, such as studios, record labels, and unions.

6 3. A detailed description of Johnson & Johnson LLP and its attorneys can
7 be found on its website at <https://www.jjllplaw.com>, which reflects that the firm
8 has successfully adjudicated some of the largest and most important class action
9 lawsuits involving royalty rights in the United States. Some of the significant
10 entertainment and consumer class action cases in which Johnson & Johnson LLP
11 attorneys have served as class counsel or had prominent roles include the following:

12 a. *Fears v. Wilhelmina, et. al.*, Case No. 02-CV-4911 (S.D.N.Y.). My firm
13 pioneered a class action lawsuit against the major New York model agencies
14 (including Ford Models, Elite, Wilhelmina) on behalf of thousands of New
15 York models for conspiring to fix model commissions and other terms in
16 violation of the Sherman Antitrust Act. The matter resulted in an
17 approximate \$25 million recovery for the models, including substantial
18 reforms in the manner in which model agencies can operate. Published
19 Decisions: *Fears v. Wilhelmina Model Agency, Inc.*, 2005 WL 1325297
20 (S.D.N.Y. Jun 06, 2005); *Fears v. Wilhelmina Model Agency, Inc.*, 2004
21 WL 594396, 2004-1 Trade Cases P 74,351 (S.D.N.Y. 2004); *Fears v.*
22 *Wilhelmina Modeling Agency, Inc.*, 61 Fed. R. Evid. Serv. 1451 (S.D.N.Y.
23 2003). We were co-lead counsel in the case.

24 b. *Ory. v. Columbia House Music Club*, U.S. District Court for the Central
25 District of California, Case No. CV02-2342SJO. My firm was co-lead
26 counsel in a class action lawsuit for copyright infringement against record
27 clubs, Columbia House and BMG Direct, as a result of their 30 year practice
28 of paying composers of musical compositions only 75% of the publishing

1 royalties they are statutorily entitled. The matter was successful (despite
2 that a nearly identical action was dismissed by the courts 10 years earlier),
3 resulting in a \$6.5 million settlement for composers as well as industry
4 reforms preventing this conduct in the future.

5 c. *Webb v. Directors Guild of America, Inc.*, Los Angeles Superior Court Case
6 No. BC352621. Johnson & Johnson LLP attorneys were class counsel in a
7 class action for breach of contract and conversion which caused unpaid
8 royalties to be paid out to all the members of the guild. The case was
9 certified as a class action and settled for over \$5 million dollars.

10 d. *Osmond v. Screen Actors Guild, Inc.*, Los Angeles Superior Court Case No.
11 BC377780. Johnson & Johnson LLP attorneys were lead counsel in a class
12 action for money had and received and conversion was certified and settled
13 for tens of millions of dollars in unpaid royalties to be paid to the members
14 of the guild.

15 e. *Richert v. Writers Guild of America West, Inc.*, Los Angeles Superior Court
16 Case No. BC352621. Johnson & Johnson LLP attorneys were lead counsel
17 in a class action for money had and received and conversion, which was
18 certified in 2010. The case settled for one hundred million dollars in unpaid
19 foreign royalties to all members of the guild.

20 f. *In Re: Warner Music Group Corp. Digital Download Litigation*, Case No.
21 CV 12-0559. Johnson & Johnson LLP attorneys were class counsel in a
22 class action on behalf of recording artists and producers who alleged that
23 the record companies have systematically underpaid royalties. The Warner
24 case settled for \$13 million and received final approval.

25 g. *Colin Higgins Productions v. Universal City Studios LLC*, Los Angeles
26 Superior Court Case No. BC499180. Johnson & Johnson LLP attorneys
27 were court-appointed class counsel in a similar class action brought against
28 another major film studio, where the plaintiffs alleged on behalf of

1 themselves and other profit participants that the studio failed to pay all of
2 the money owed to them in connection with home video revenues. The case
3 settled for \$13 million and received final approval.

4 h. *Colin Higgins Productions, LTD. v. Paramount Pictures Corporation*, Los
5 Angeles Superior Court Case No. BC499179. Johnson & Johnson LLP
6 attorneys were court-appointed class counsel in a similar class action
7 brought against another major film studio, where the plaintiffs alleged on
8 behalf of themselves and other profit participants that the studio failed to
9 pay all of the money owed to them in connection with home video revenues.
10 The case was settled and received final approval.

11 i. *The Rick Nelson Company, LLC v. Sony Music Entertainment*, Case No.
12 1:18-cv-08791-LLS (United States District Court for the Southern District
13 of New York): Johnson & Johnson LLP attorneys were class counsel in a
14 class action on behalf of recording artists who alleged that they have been
15 systematically underpaid royalties by the record companies for foreign
16 streaming monies. The case settled for \$12.7 million in retrospective relief
17 and received final approval.

18 j. *Risto v. Screen Actors Guild-American Federation of Television and Radio*
19 *Artists et al*, U.S. District Court for the Central District of California, Case
20 No. 2:18-CV-07241-CAS-PLA. Johnson & Johnson LLP attorneys were
21 class counsel in a class action over allegations of royalty skimming from the
22 AFM & SAG-AFTRA Intellectual Property Rights Distribution Fund. The
23 settlement returned more than five million dollars to class members and
24 significantly reduced the administrative fees charged by the Fund.

25 **Johnson & Johnson's Work in this Case**

26 4. The work performed by Johnson & Johnson LLP in this case includes
27 the following: (1) pre-litigation research and investigation; (2) litigation activities
28 such as participating in strategy meetings, written discovery, drafting and

1 amending the Complaint, researching and drafting oppositions to Defendants’
 2 motions to dismiss and seek interlocutory appeal, and attending court hearings; (3)
 3 settlement activities, including preparing for and attending mediation sessions,
 4 drafting the mediation briefs, negotiating, and finalizing the terms of the
 5 Settlement Agreement; (4) obtaining Court approval of the Settlement; and (5)
 6 ensuring the notice plan was disseminated correctly to the Class Members and
 7 Class Members could exercise their rights thereunder.

8 5. Based on my extensive experience in the entertainment litigation, I
 9 wholeheartedly support approval of the proposed settlement of this case as not just
 10 fair, reasonable and adequate for members of the Settlement Class, but as an
 11 exceptional result for class members, particularly given the risks and delays
 12 associated with continued litigation. Indeed, after evaluating the bases and risks of
 13 potential litigation in shortly after announcement of the 2020 Amendments, I was
 14 skeptical that claims could be formulated in a manner that could survive initial
 15 motion or result in a robust settlement like the one ultimately achieved here,
 16 which, in my view, provides class members with a strong recovery especially
 17 when compared to the best potential recovery after even a successful trial and
 18 appeals.

19 6. The lodestar incurred by each individual biller at Johnson & Johnson
 20 LLP is as follows as of June 19, 2023.

Name	Position	Hours	Hourly Rate	Lodestar
Daniel Lifschitz	Senior Associate	78.40	\$775.00	\$60,760.00
Douglas L. Johnson	Senior Partner	8.90	\$875.00	\$7,787.50
Nicholas Mehlum	Law Clerk	2.00	\$225.00	\$450.00
Neville L. Johnson	Senior Partner	301.80	\$1,100.00	\$331,980.00
Viktoria Cassis	Paralegal	28.30	\$250.00	\$7,075.00
Ron Funnell	Senior Counsel	5.80	\$850.00	\$4,930.00
Total:				\$412,982.50

1 7. The hours above were recorded contemporaneously and in one-tenth
2 of an hour increments.

3 8. The hourly rates above are the current hourly rates for each applicable
4 biller and are the usual and customary rates charged by each applicable biller in
5 Johnson & Johnson LLP's cases.

6 9. My firm's hourly rates are regularly accepted by courts throughout the
7 country for purposes of class action fee awards. *See, e.g., Risto v. Screen Actors*
8 *Guild-American Federation of Television and Radio Artists et al*, No. 2:18-cv-
9 07241-CAS-PLA, Dkt. 175-31 at ¶ 10 (C.D. Cal. Dec. 22, 2021) (submitting rates
10 of \$750/hr for Daniel B. Lifschitz, \$850/hr for Douglas L. Johnson, and \$1,100/hr
11 for Neville L. Johnson), Dkt. 183 at ¶ 15 (C.D. Cal. Mar. 2, 2022) (approving fee
12 award predicated on aforementioned hourly rates) (Snyder, J.).

Johnson & Johnson LLP's Litigation Expenses

13 10. The litigation expenses in this case incurred by Johnson & Johnson
14 LLP are as follows as of May 31, 2023:

Expense Type	Total
Copying	\$120.91
Filing Fees	\$500.00
Subpoenas	\$1,331.50
Total:	\$1,952.41

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20 11. The expenses incurred by Johnson & Johnson LLP are reflected in the
21 books and records of the firm. The books and records are prepared from expense
22 vouchers, invoices, receipts, and other reasonable supporting records and are an
23 accurate record of the expenses incurred.

24 12. All expenses were reasonably incurred and necessary to litigating this
25 matter.

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I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed this 19th day of June, 2023, in Beverly Hills, California.



NEVILLE L. JOHNSON