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Sirius XM Radio Inc.  
7

8 **UNITED STATES DISTRICT COURT**  
9 **CENTRAL DISTRICT OF CALIFORNIA**

10  
11 FLO & EDDIE, INC., a California  
corporation, individually and on behalf  
12 of all others similarly situated,

13 Plaintiffs,

14 v.

15 SIRIUS XM RADIO INC., a Delaware  
corporation, and DOES 1 through 10,  
16

17 Defendants.  
18  
19

Case No. CV 13-05693 PSG (GJS)

**DECLARATION OF CASSANDRA  
L. SETO IN SUPPORT OF  
DEFENDANT SIRIUS XM RADIO  
INC.'S REPLY IN SUPPORT OF  
MOTION *IN LIMINE* NO. 1 TO  
EXCLUDE TESTIMONY OF  
EXPERT MICHAEL WALLACE  
AND ANY OTHER EVIDENCE  
AND ARGUMENT THAT GROSS  
REVENUE ALONE IS AN  
APPROPRIATE MEASURE OF  
DAMAGES**

Hon. Philip S. Gutierrez

**Final Pretrial Conference:**  
Oct. 31, 2016 at 2:30 p.m.

**Trial Date:**  
Nov. 15, 2016 at 9:00 a.m.

**Hearing Date:**  
Oct. 31, 2016 at 2:30 p.m.

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**DECLARATION OF CASSANDRA L. SETO**

I, Cassandra L. Seto, declare and state:

1. I am a partner at the law firm of O’Melveny & Myers LLP, counsel of record for defendant Sirius XM Radio Inc. (“Sirius XM”) in the above-entitled action. I make this declaration in support of Sirius XM’s Reply in Support of Motion *in Limine* No. 1 to Exclude Testimony of Expert Michael Wallace and Any Other Evidence and Argument that Gross Revenue Alone Is an Appropriate Measure of Damages. I have personal knowledge of the matters set forth in this declaration, and if called to testify thereto, I could and would do so competently.

2. Attached hereto as Exhibit A is a true and correct copy of relevant excerpts from the transcript of the April 20, 2015 deposition of Michael Wallace.

3. Attached hereto as Exhibit B is a true and correct copy of relevant excerpts from the transcript of the October 7, 2016 deposition of Mr. Wallace.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct and that this declaration is executed on this 21st day of October 2016 at Los Angeles, California.

  
\_\_\_\_\_  
Cassandra L. Seto

# **EXHIBIT A**

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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

FLO & EDDIE, INC., a )  
California corporation, )  
individually and on behalf ) Case No.  
of all others similarly ) CV 13-05693 PSG (RZx)  
situated, )  
Plaintiff, )  
vs. )  
SIRIUS XM RADIO, INC., a )  
Delaware corporation; and )  
DOES 1 through 10, )  
Defendants. )  
\_\_\_\_\_)

VIDEOTAPED DEPOSITION OF MICHAEL J. WALLACE  
Los Angeles, California  
Monday, April 20, 2015

Reported by:  
SHANDA GABRIEL, CSR No. 10094  
Job No. 2014106  
Pages 1-346

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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

FLO & EDDIE, INC., a	)	
California corporation,	)	
individually and on behalf	)	Case No.
of all others similarly	)	CV 13-05693 PSG (RZx)
situated,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	
SIRIUS XM RADIO, INC., a	)	
Delaware corporation; and	)	
DOES 1 through 10,	)	
	)	
Defendants.	)	
_____	)	

Videotaped deposition of MICHAEL J. WALLACE, taken on behalf of the Defendant at 1999 Avenue of the Stars, Los Angeles, California, commencing at 10:03 a.m., Monday, April 20, 2015, before SHANDA GABRIEL, CSR No. 10094.

1 APPEARANCES :

2

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22

23

24 ALSO PRESENT :

25 STEVE TOGAMI, VIDEOGRAPHER

Page 3

1 sound recording over the airwaves, I probably can't 10:13:18  
2 think of one that's quite that specific, other than, 10:13:24  
3 you know, arguably this case. 10:13:29

4 Q. So just so we're clear, this is the -- the 10:13:31  
5 only case in your career where you've been asked to 10:13:34  
6 value the performance of a sound recording on being 10:13:40  
7 played on any type of a radio station, be it AM, FM 10:13:46  
8 or satellite? 10:13:52

9 A. I haven't been asked in this case to value 10:13:53  
10 the playing of a -- of a sound recording. I've been 10:13:57  
11 asked to calculate the revenues attributable -- 10:14:02  
12 sorry, SiriusXM's revenues attributable to the use 10:14:07  
13 of pre-1972 recordings. 10:14:13

14 Q. All right. I understand what -- what 10:14:18  
15 you've been asked to do in this case. 10:14:19

16 I just want to make sure I understand what 10:14:21  
17 you have or haven't done in your professional 10:14:23  
18 career. 10:14:26

19 So, yes or no, have you ever placed a value 10:14:26  
20 such as -- let me do it this way: Have you ever 10:14:29  
21 placed a value to a broadcaster of performing a 10:14:32  
22 sound recording on its radio station, whether it's 10:14:37  
23 an AM, FM, satellite radio station? 10:14:39

24 A. Well, I'd hate to say no, because I've done 10:14:44  
25 probably 40 or 50 different music-related cases, and 10:14:53

1 this room. So I'll answer -- I mean, I understand 12:11:58  
2 you're asking what I know. 12:12:00  
3 Q. Okay. So if I ask you what you know, will 12:12:02  
4 you tell me only what you know? 12:12:03  
5 A. I can't promise that. 12:12:06  
6 Q. Okay. All right. 12:12:09  
7 So -- 12:12:10  
8 A. If you ask me to tell you only what I know, 12:12:10  
9 then I'll do my best to do that. 12:12:14  
10 Q. Okay. All I can ask is that you do your 12:12:17  
11 best and I appreciate your -- your cooperation here 12:12:18  
12 today. 12:12:20  
13 The damage method that you used in this 12:12:20  
14 case and -- was that your idea or somebody else's 12:12:32  
15 idea? 12:12:37  
16 A. What do you mean by "the damage method"? 12:12:38  
17 Q. You tell me. What's the damage method? 12:12:40  
18 Describe for me in simple terms, so we can have a 12:12:42  
19 conversation, what your damage method was in this 12:12:45  
20 case. 12:12:47  
21 A. Well, usually when I think of damage method 12:12:48  
22 or methodology, I think of all the different ways 12:12:51  
23 one might measure damages, lost profits, reasonable 12:12:54  
24 royalty, increased costs. There's lots of different 12:12:57  
25 ways of measuring damages. 12:12:59

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1 In this case, the damage method was 12:13:01  
2 provided to me. It was gross revenues, attributable 12:13:03  
3 pre-'72 sound recordings without deduction of cost. 12:13:08  
4 It was an assumption I made. So that was provided 12:13:11  
5 by counsel. 12:13:13

6 Q. That wasn't your idea, that was their idea? 12:13:13

7 A. Well, I don't know whose idea it was. But 12:13:16  
8 it was ultimately their decision to provide that 12:13:20  
9 assumption to me. 12:13:22

10 Q. Okay. And in order to take that assumption 12:13:24  
11 and turn it into \$166 million or whatever the number 12:13:26  
12 is -- let's start again. 12:13:30

13 In order to take that assumption and turn 12:13:31  
14 it into an actual revenue amount, how would you 12:13:33  
15 describe the method you were -- model that you 12:13:36  
16 created in order to do that? I just want to have 12:13:40  
17 some terminology we can use to intelligently talk to 12:13:44  
18 one another about that. 12:13:47

19 A. Well, the -- the methodology that I used 12:13:49  
20 was to identify data and information that could be 12:13:51  
21 used for determining the proportion of SiriusXM's 12:14:00  
22 total gross revenues that were attributable to 12:14:07  
23 pre-'72 -- pre-'72 recordings. That's step one. 12:14:10

24 Actually, sorry, step one is to determine 12:14:17  
25 the gross revenues attributable to the use of sound 12:14:21

1 plaintiff whole, then generally you attribute any -- 14:14:21  
2 any losses suffered by the plaintiff that are 14:14:32  
3 directly or proximately caused by the complained-of 14:14:36  
4 conduct in- -- into the measure of damages, and you 14:14:40  
5 also include any benefits that are directly or 14:14:44  
6 proximately caused that would not otherwise have 14:14:50  
7 occurred. So you usually net those two things. 14:14:52

8 And so, for example, you might -- I mean, 14:14:54  
9 the classic example is you count lost revenues but 14:14:56  
10 you credit avoided expenses, which are benefits 14:15:02  
11 received usually by a reduction in business 14:15:06  
12 activity. 14:15:09

13 BY MR. SCHWARTZ: 14:15:09

14 Q. Now, in this case, that's not the approach 14:15:10  
15 you took, correct? 14:15:13

16 A. I'm not calculating plaintiff's losses. 14:15:15  
17 I'm calculating gross revenues earned by the 14:15:17  
18 defendant. 14:15:21

19 Q. Now, earlier -- did you study whether 14:15:22  
20 SiriusXM's performance of pre-1972 sound recordings 14:15:28  
21 might have had the effect of causing people to want 14:15:32  
22 to go see those performers perform live when they 14:15:36  
23 were on concert tours? 14:15:40

24 A. I only considered it in my economic 14:15:45  
25 reasoning in the same way that I considered whether 14:15:49

1 I, the undersigned, a Certified Shorthand  
2 Reporter of the State of California, do hereby  
3 certify:

4 That the foregoing proceedings were taken  
5 before me at the time and place herein set forth;  
6 that any witnesses in the foregoing proceedings,  
7 prior to testifying, were administered an oath; that  
8 a record of the proceedings was made by me using  
9 machine shorthand which was thereafter transcribed  
10 under my direction; that the foregoing transcript is  
11 a true record of the testimony given.

12 Further, that if the foregoing pertains to  
13 the original transcript of a deposition in a Federal  
14 Case, before completion of the proceedings, review  
15 of the transcript [ ] was [ ] was not requested.

16 I further certify I am neither financially  
17 interested in the action nor a relative or employee  
18 of any attorney or any party to this action.

19 IN WITNESS WHEREOF, I have this date  
20 subscribed my name.

21 Dated: 4/30/15

22



23

SHANDA GABRIEL

24

CSR No. 10094

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# **EXHIBIT B**

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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

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FLO & EDDIE, INC., a )  
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) )  
Plaintiff, )  
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DOES 1 through 10, )  
) )  
Defendants. )  


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VIDEOTAPED DEPOSITION OF MICHAEL J. WALLACE  
Los Angeles, California  
Friday, October 7, 2016  
Volume II

Reported by:  
NADIA NEWHART  
CSR No. 8714  
Job No. 2455103  
PAGES 347 - 658

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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

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Delaware corporation; and )  
DOES 1 through 10, )  
) )  
Defendants. )  


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Videotaped deposition of MICHAEL J. WALLACE,  
Volume II, taken on behalf of Defendant Sirius XM  
Radio, Inc., at 1901 Avenue of the Stars, Suite 950,  
Los Angeles, California, beginning at 10:12 a.m. and  
ending at 7:20 p.m. on Friday, October 7, 2016,  
before NADIA NEWHART, Certified Shorthand Reporter  
No. 8714.

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1 APPEARANCES (Continued):

2

3 Also Present:

4 KEITH UGONE, Ph.D.

5

6 Videographer:

7 STEVEN TOGAMI

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1 Q In connection with these -- with -- strike  
2 that.

3 In connection with this assignment, were you  
4 asked to assume anything?

5 A Yes. 10:26:54

6 Q What were you asked to assume?

7 A Well, just in vernacular -- I have it more  
8 precisely in my reports, but I was asked to assume  
9 that the appropriate measure of damages for Flo &  
10 Eddie's claims in this case are gross revenues 10:27:14  
11 attributable to pre-'72 recordings without deduction  
12 of costs.

13 Q And who told you to assume that?

14 A It was either Henry Gradstein or Harvey  
15 Geller. They probably both told me, but I don't 10:27:40  
16 know who told me first.

17 Q So it was the lawyers who hired you who told  
18 you to assume that the correct measure of damages in  
19 this case is the gross revenue attributable to  
20 pre-'72 recordings without a deduction for costs? 10:27:51

21 A Correct.

22 MS. SRINIVASAN: Object to the form.

23 THE WITNESS: That's right.

24 BY MR. WINTER:

25 Q Were there any other assumptions that you 10:28:00

1 Q That's not answering my question.

2 Do you believe the defendants have suffered  
3 harm as a result of Sirius XM playing the pre-'72  
4 music?

5 A You meant plaintiffs. 12:00:23

6 Q Let me ask it again.

7 Do you believe that the plaintiffs have  
8 suffered any harm as a result of Sirius XM playing  
9 their pre-'72 music? That should be a yes-or-no  
10 question. 12:00:39

11 A I haven't -- I don't -- I guess I don't have  
12 an opinion on that. I mean, I explained in my first  
13 deposition why it's economically reasonable to  
14 assume that they did suffer harm, but I haven't -- I  
15 haven't tried to prove that or calculate an amount 12:01:07  
16 other than the amount that Sirius XM earned by  
17 playing their music without permission.

18 Q This threshold question, I think, should be a  
19 yes-or-no question.

20 A Well -- 12:01:22

21 Q Do you -- strike that.

22 Are you of the opinion that plaintiffs have  
23 suffered any harm as a result of Sirius XM playing  
24 their pre-'72 sound recordings?

25 A As I said in my first deposition, the 12:01:35

1 repeated plays of plaintiffs' sound recordings on  
2 Sirius XM could have the effect of reducing the  
3 amount of records or downloads or other streams that  
4 they could have been paid for if that music wasn't  
5 otherwise available on Sirius XM. 12:02:03

6 And it could have reduced the interest in  
7 concert goers to attend those artists' concerts,  
8 either because they were tired of hearing the music  
9 on Sirius XM or they were reminded by listening to  
10 it on Sirius XM that they didn't actually like that 12:02:24  
11 artist. So I haven't done any calculation to that  
12 effect, but it can clearly have an economic impact  
13 on the plaintiffs, these unauthorized plays.

14 Q So if I understand you correctly, your view  
15 is that plaintiffs may have suffered a harm as a 12:02:41  
16 result of Sirius XM playing their pre-'72 recordings  
17 in the form of lost sales and lost concert revenues;  
18 is that correct?

19 A Those are two possibilities, yes.

20 Q Are there any other possibilities on how 12:02:55  
21 plaintiffs could have been harmed by Sirius XM  
22 playing their pre-'72 recordings?

23 A Well, yeah, the -- the dilution of the value  
24 of their work by the economic extraction made by  
25 Sirius XM from the marketplace of revenues 12:03:16

1 know, a substantial number of these sound recordings  
2 are still generating revenue for the owners, you  
3 know, in various forms. But I haven't studied it.  
4 I can't tell you that they all -- all are --

5 Q Sure. But -- but --

6 A -- but it's a reasonable assumption.

7 Q But you've seen some documents. For example,  
8 you've seen how the money that Flo & Eddie make on  
9 the -- it's their "Happy Together" sound recording,  
10 haven't you? 12:21:18

11 A I've seen some information about that. I  
12 don't know if it was accounting records or just in  
13 the pleadings. But I know -- I know Flo & Eddie is  
14 making money on "Happy Together."

15 Q And it's a reasonable assumption that at 12:21:28  
16 least some portion of the class is also making money  
17 by exploiting their sound recordings independent of  
18 Sirius' -- Sirius XM's exploitation of the pre-'72  
19 sound recordings, correct?

20 A Yeah, I think it's safe to assume that many 12:21:42  
21 of them are.

22 Q So if -- there's that certain amount of money  
23 that the class is making from the exploitation at  
24 the same time that Sirius XM is exploiting this  
25 intellectual property. It's a certain amount of 12:21:58

1 money. Let's say that's amount A.

2 How much would that amount of money that the  
3 class made on the exploitation of its pre-'72  
4 recordings have increased if Sirius XM had not  
5 played their pre-'72 recordings? 12:22:13

6 A I haven't performed a calculation on that.

7 Q So you have no opinion regarding how much  
8 more money the class would have made if Sirius XM  
9 had not played their pre-'72 sound recordings,  
10 correct? 12:22:29

11 MS. SRINIVASAN: Object to the form.

12 THE WITNESS: See, that's a different  
13 question. I have all those opinions I just  
14 expressed. I haven't performed a calculation. If  
15 you ask me have I performed a calculation as to the 12:22:41  
16 amount of additional money they would have earned, I  
17 haven't done that.

18 But I have all those opinions I expressed,  
19 like how much was extracted from the value of  
20 intellectual property. I know you don't want me to 12:22:53  
21 go over that again, but when you -- when you convert  
22 it to have you done a calculation to do you have any  
23 opinions, it's -- I have lots of opinions.

24 BY MR. WINTER:

25 Q But you have not calculated the amount of 12:23:06

1 money that the class would have made if Sirius XM  
2 had not performed their pre-'72 recordings, correct?

3 MS. SRINIVASAN: Object to the form.

4 THE WITNESS: That's correct. For example, I  
5 haven't calculated lost profits. I haven't 12:23:27  
6 calculated what additional amount they would have,  
7 in fact, earned in the but-for world.

8 BY MR. WINTER:

9 Q Have you identified in your report a single  
10 instance of a lost record sale that any of the class 12:23:39  
11 members have suffered as a result of Sirius XM's  
12 performance of class members' pre-'72 recordings?

13 MS. SRINIVASAN: Object to the form.

14 THE WITNESS: I haven't studied the  
15 individual record sales, so I don't have any 12:24:00  
16 specific identification of a lost record sale.

17 BY MR. WINTER:

18 Q Are -- do you have any records or opinion  
19 regarding any fewer downloads of any of the class  
20 members' pre-'72 recordings as a result of Sirius 12:24:15  
21 XM's performance of their pre-'72 recordings?

22 MS. SRINIVASAN: Object to the form.

23 THE WITNESS: You mean do I have evidence of  
24 it, or -- or do I think -- do I have an economic  
25 opinion about whether the availability of the music 12:24:27

1 copyright royalty judges concluded that, as well.

2 BY MR. WINTER:

3 Q Do you have an understanding of what fair  
4 market value is?

5 A Yes, I do. 03:03:08

6 Q What is fair market value?

7 A It's an amount that a willing buyer and a  
8 willing seller would agree to both with full  
9 knowledge of the facts and neither under undue  
10 duress. 03:03:20

11 Q Have you offered any opinions regarding what  
12 the fair market value of the performance right for  
13 the class members' pre-'72 recordings is?

14 A Like an amount or -- or an opinion related to  
15 the topic? 03:03:38

16 Q No, an amount.

17 A Not a specific amount, no.

18 Q Continuing with Exhibit 16 and the  
19 recognition that the Sirius XM Select package offers  
20 both music and non-music content, do you have any 03:04:17  
21 view on the percentage of the revenue as defined in  
22 the CFR that should be attributable to the non-music  
23 content?

24 A Like a percentage number?

25 Q A percentage or a number. 03:04:46

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1 rate for the performance of a pre-'72 sound  
2 recording.

3 A On a satellite radio system?

4 Q On any system.

5 A There -- there might be on some other 03:34:11  
6 systems, but I'm not aware of any market rates for  
7 performance of a pre-'72 recording on satellite  
8 radio where the parties are in agreement that a  
9 licensee does not otherwise have the right to  
10 broadcast. 03:34:29

11 So I know there's been a lot of settlements  
12 in this case, but I think at least the ones I've  
13 seen say that the parties dispute liability, and  
14 it's a compromise of claims. And so it's not a  
15 market rate. 03:34:42

16 Q I'm just making sure we're not limiting  
17 this -- your answer to satellite radio.

18 Do you have an opinion on what the market  
19 rate is for the performance of a pre-'72 sound  
20 recording? 03:35:00

21 A I'm not familiar with any market rates for  
22 that, whether it would be webcasting or terrestrial  
23 or some other setting. I'm not sure. I know  
24 there's a lot of attempts in satellite 1 and 2 to  
25 put in market licenses that, you know, were not 03:35:24

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1 directly comparable, and the economists tried to  
2 adjust for those things and -- you know.

3 So I know there's a lot of rates floating  
4 around out there, but I -- I can't tell you that I'm  
5 familiar with one where the parties have agreed 03:35:42  
6 that, you know, a license is required to perform the  
7 pre-'72 recording and they've agreed to a rate for  
8 that performance. I'm not familiar with one.

9 Q Would it be fair to say that you're not aware  
10 of a market rate for the performance of pre-'72 03:35:56  
11 sound recordings, be it on terrestrial radio or  
12 satellite radio?

13 A You mean for the right -- the market rate for  
14 the right to perform that song on -- on -- as  
15 opposed to what a consumer would pay for the right 03:36:14  
16 to listen to it?

17 Q Correct. I'm speaking about a market rate  
18 for the performance.

19 A Yeah, I guess I'm not sure. All the ones I  
20 can think of are, you know, not comparable to what I 03:36:30  
21 think you're asking me.

22 Q Meaning that you're aware of certain licenses  
23 for --

24 A Uh-huh.

25 Q -- perfor- -- pre-'72 performances but you 03:36:39

1 Mr. Wallace, do you offer any opinions  
2 regarding what a reasonable royalty would be for the  
3 performance of pre-'72 sound recordings?

4 A Are you asking me if I'm going to have a  
5 number in mind or if I have any opinions about 03:45:31  
6 reasonable royalty?

7 Q I'll repeat the question again.

8 Do you offer -- strike that.

9 Have you offered any opinions in this case  
10 regarding what a reasonable royalty would be for the 03:45:52  
11 performance of pre-'72 sound recordings?

12 A To date, I haven't offered an opinion on the  
13 amount of a reasonable royalty.

14 Excuse me. Can I just go grab my other  
15 bottle of water? I'll be back in one second. 03:46:28

16 Q Have the members of the class received any  
17 benefits based on the airplay of their pre-'72 sound  
18 recordings on Sirius XM?

19 A I don't have an expert opinion on that. It's  
20 possible. 03:47:23

21 Q Have you seen evidence that members of the  
22 class have received benefit from the Sirius XM's  
23 airplay of their pre-1972 recordings?

24 A I assume you mean any benefit, not like a net  
25 benefit? 03:47:46

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1 A No. I'm concluding that Sirius XM hasn't  
2 produced evidence to demonstrate that they had  
3 authorization.

4 Q So you're not expressing any opinion on  
5 whether the remaining sound recordings are licensed 05:16:05  
6 or not. You're simply saying they weren't on the  
7 list that Sirius XM provided that affirmatively  
8 stated that these are licensed or authorized; is  
9 that correct?

10 A Yeah, I think -- I think that's fair to say. 05:16:21  
11 I'm -- I'm trying to take everything out of the  
12 class damages that Sirius XM indicates they have a  
13 license for. And if they don't indicate that to me,  
14 I have no basis for taking it out of the damages.

15 Q So your opinion -- strike that. 05:16:38  
16 Do you have an opinion on whether the  
17 remaining sound recordings are not licensed or not  
18 authorized? Strike that.

19 Do you have an opinion whether the remaining  
20 sound recordings are authorized or licensed? 05:16:56

21 MS. SRINIVASAN: Object to the form, calls  
22 for a legal conclusion.

23 THE WITNESS: Well -- okay. The way you want  
24 me to answer the question is yes, yes, I do.

25 BY MR. WINTER: 05:17:10

1 Q Have you done anything to verify that these  
2 remaining sound recordings belong to any of the  
3 class members?

4 MS. SRINIVASAN: Object to the form.

5 THE WITNESS: Well, certainly the Turtle 05:24:18  
6 songs are on there, and I know those are owned by  
7 the -- Flo & Eddie, so -- but no, I haven't gone  
8 through the 30-some-thousand sound recordings and  
9 attempted to verify directly that some current  
10 remaining class member actually has ownership. 05:24:38

11 BY MR. WINTER:

12 Q So aside from the Turtle sound recordings,  
13 which you say you verified are owned by the class  
14 members, are there any other sound recordings on the  
15 remaining sound recordings list that you have 05:24:50  
16 verified are owned by the class members?

17 MS. SRINIVASAN: Object to the form; calls  
18 for a legal conclusion.

19 THE WITNESS: No. My -- my methodology  
20 didn't attempt to identify ownership. I attempted 05:25:00  
21 to identify claims of license and authorization or  
22 accepted the claims of ownership for opt-outs.

23 BY MR. WINTER:

24 Q So you haven't done anything to verify that  
25 the remaining sound recordings are owned by class 05:25:20

1 I, the undersigned, a Certified Shorthand  
2 Reporter of the State of California, do hereby  
3 certify:

4 That the foregoing proceedings were taken  
5 before me at the time and place herein set forth;  
6 that any witnesses in the foregoing proceedings,  
7 prior to testifying, were placed under oath; that a  
8 verbatim record of the proceedings was made by me  
9 using machine shorthand which was thereafter  
10 transcribed under my direction; further, that the  
11 foregoing is an accurate transcription thereof.

12 I further certify that I am neither  
13 financially interested in the action nor a relative  
14 or employee of any attorney of any of the parties.

15 IN WITNESS WHEREOF, I have this date  
16 subscribed my name.

17 Dated: 10/12/2016

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NADIA NEWHART

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CSR No. 8714

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