

# Daily Journal

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## TOP PLAINTIFF LAWYERS IN CALIFORNIA FOR 2017

Steven G.  
Sklaver

Susman Godfrey LLP

Los Angeles

**Practice:**

Class actions, insurance,  
antitrust, entertainment



Sklaver is co-lead counsel representing animators who worked for DreamWorks Animation SKG Inc., The Walt Disney Co. and Sony Pictures Animation Inc. and others. Their claims that the Hollywood heavyweight defendants forged illicit no-pouch deals netted more than \$168 million in settlements, which are awaiting final court approval. U.S. District Judge Lucy H. Koh of San Jose certified the class a year ago.

“That’s an average of \$13,000 per class member,” Sklaver said. “Not bad. It’s real money.” Holding the deal up is an objector. “He’s from the objector cottage industry. He’s a non-class member trying to stop the payments. We say it’s frivolous, and we’re seeking sanctions,” Sklaver said. *In re: Animation Workers Antitrust Litigation*, 5:14-cv-04062 (N.D. Cal., filed Sept. 8, 2014).

In another case out of the entertainment industry, Sklaver and co-counsel in November prevailed to the tune of \$25 million in a landmark class action on behalf of pre-1972

song owners seeking unpaid royalties including The Turtles’ founders Flo & Eddie. U.S. District Judge Philip S. Gutierrez of Los Angeles had established the defendants’ liability and certified a class, leading to the settlement. The deal included a future running royalty of 5.5 percent of pro-rata Sirius gross revenues from 2018 through 2028 from playing class members’ sound recordings in exchange for a license to play them. *Flo & Eddie Inc. v. Sirius XM Radio Inc.*, 13-cv-5693 (C.D. Cal., filed Aug. 3, 2013).

“Rock and roll,” Sklaver said. As a bonus, the Flo & Eddie case led Sklaver to form a relationship between his firm and entertainment industry maven Henry Gradstein of Gradstein & Marzano PC.

Together they have filed in the Southern District of New York for approval of what they call an industry-leading \$43.45 million cash settlement with Spotify USA Inc. Representing songwriters on copyright claims, the streaming company “unlawfully reproduces

and/or distributes copyrighted musical compositions” in the U.S. market and “profit[s] off its own unlawful conduct,” the suit blasted. “The known failure of Spotify to obtain licenses for all of the musical compositions that it is exploiting...” *Ferrick v. Spotify USA Inc.*, 1:26-cv-08412 (S.D. N.Y., filed Jan. 8, 2016).

A bleary-voiced Sklaver one morning in late May said by phone he and colleagues had just hashed out the deal. “I was up till 2 a.m. on this. It was the conclusion of seven months of intense settlement negotiations.” He said he was proud that the deal includes a proviso allowing class members access to a Spotify track database and a settlement claim facilitator, so they can determine which of their compositions may be embodied in Spotify tracks streamed during the class period.

“It’s essentially simple,” Sklaver said. “Composers and songwriters are entitled to be paid royalties they are owed, and the online music industry has failed to pay.

— John Roemer