

Media and Entertainment MVP: Loeb & Loeb's Barry Slotnick

By Kelly Knaub

Law360, New York (December 15, 2015, 8:30 PM ET) -- Obtaining dismissal of copyright infringement claims over Shakira's hit song "Loca" for client Sony Corp. and helping Walt Disney Pictures secure a win in a right of publicity and copyright action against the estate of late horse-racing announcer Charles "Chic" Anderson earned Loeb & Loeb's Barry Slotnick a spot on Law360's list of Media and Entertainment MVPs for 2015.

Slotnick, who led a team of Loeb & Loeb attorneys in the Sony case, successfully convinced U.S. District Judge Alvin K. Hellerstein to reverse his earlier finding of liability by showing that Mayimba Music Inc.'s witnesses had fabricated evidence and fraudulently testified at an earlier trial in order to assert claims that "Loca" infringed the copyright of a song written by a Dominican songwriter and allegedly recorded onto a cassette tape in the late 1990s.

The entertainment attorney and his team gathered evidence and witnesses from across the globe to prove that the cassette tape on which Mayimba based its claims was fake, Loeb & Loeb said. Slotnick and the team even jetted down to the Dominican Republic when they learned that a key Sony witness was denied a visa to travel to the U.S., located the only U.S.-certified Spanish translator in the region and videotaped a deposition, which the firm said figured prominently in Judge Hellerstein's decision. The judge ultimately cited "a basic issue of fraud in the trial."

Slotnick said that the language barrier with some of the witnesses, as well as cultural distinctions regarding the nature and scope of the way business is transacted in the U.S. versus the D.R., were the biggest challenges of the case.

He filed a motion for \$2.2 million in attorneys' fees against Mayimba and its counsel in September, saying the record company and its lawyers continued to pursue the case while they knew the evidence was fabricated. Loeb & Loeb also fired back earlier this month at Mayimba Music's bid for a new trial, saying the request was misleading.

Slotnick also represented Walt Disney and Buena Vista Home Entertainment, which won a declaratory judgment from a New York federal court that they did not violate Anderson's right of publicity or

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Barry Slotnick
Loeb & Loeb

copyrights with the production of the 2010 film "Secretariat." The entertainment attorney said that the Sony case was "far more labor-intensive" than the Walt Disney case because it required a lot more analysis of a variety of different legal issues.

"I can't say this is particularly different from most other cases, but the Buena Vista case, although it took a while for the judge to rule — we were in and out pretty quickly," Slotnick said.

Slotnick also won a motion to dismiss on behalf of more than two dozen major record labels, music publishers and artists — including Sony, Warner Music Group and others — in a massive copyright infringement case filed by musician Paul Batiste, who claimed infringement of nearly 100 works, as well as summary judgment on liability for client Reservoir Media in a copyright infringement suit brought against Craze Productions and Hiphoplads Records for the unlicensed sale and digital distribution of songs recorded by the late R&B singer Aaliyah.

Currently, Slotnick is representing more than a dozen music publishers, including ABKCO Music, Sony/ATV and others, in a copyright infringement suit against Wolfgang's Vault and related entities, which are some of the largest websites streaming music from recordings of live music concerts, and is counsel for defendants Deep Dish Productions, Time Warner Cable and others in a copyright infringement action based upon the alleged unauthorized use of numerous music cues purportedly owned by We 3 Kings Music.

He is also representing superstar singer Juan Luis Guerra and Universal Music Publishing Group in both claims and counterclaims for copyright infringements against Karen Records and related parties, as well as defendant Dakota Group in a copyright infringement action over the use of a musical score in a documentary film.

Slotnick, who has been practicing law for more than 43 years, did not set out to be a media and entertainment attorney, he told Law360, saying people did not go to school back then to become entertainment lawyers. While Slotnick was in law school, he was initially told by the Federal Communications Commission that he was hired for a job he had applied for, only to be informed later that there was a job freeze and the agency was no longer hiring anyone. He then found himself scrambling after taking the bar exam to try to get a job, he said.

He ventured back to the New York State Attorney General's Office where he had worked the summer before to interview, Slotnick said. As he was leaving, he stopped by to say hi to the assistant attorney general he had worked for the previous year, Thomas Dolan, who told him that what he really wanted to do was entertainment work.

Dolan made a call and handed a piece of paper to Slotnick, who was told to appear the following morning for an interview with an attorney who had "something to do with the music business."

"I literally go into an interview blind, not like kids do now when they can Google everything, and I had to find out who he was and where he was working," Slotnick said. "And he was special counsel to the [Recording Industry Association of America] doing anti-piracy work."

The man asked Slotnick if he wanted to start working for him Monday, and the rest is history.

"So that was my very sophisticated way of finding a job in the entertainment business as a lawyer," Slotnick said.

— Editing by Ben Guilfoy.
