Andrew J. Gerber 31 Tweed Boulevard Upper Grand View, NY 10960 845-358-3135 212-861-6733 andger@earthlink.net

I. <u>Profession</u>	Accrediting Agency or Jurisdiction	Date of Admission
Attorney	New York	December 12, 1957
	U.S. Court of Military Appeals	January 1959
	U.S. District Court, S.D.N.Y.	October 24, 1961

File Dated: 4/17/02

II. Professional Organization	Date of Admission	Active/Inactive
Ass'n of the Bar of the	1961	Active
City of New York		
American Bar Ass'n	2001	Active
The Copyright Society	1997	Active
of the USA		

III. General professional experience:

In general terms: My practice has accounted for my entire working life since graduation from law school. It has combined broad experience in a variety of commercial matters with an extensive specialization in the entertainment, copyright and intellectual property fields. It has included a heavy concentration in transactional work, including negotiating and drafting a wide variety of contracts and dealing with disputes and other issues related to contract matters. It has included responsibility for legal advice and service to a broad spectrum of clients ranging from individuals to national business organizations and their most senior management. It has also included legal scholarship and research, including opportunities to contribute to the development of the law.

A more detailed description follows, in reverse chronological order:

March 1991 - May 2001: Senior Vice President and General Counsel of The Columbia House Company (a partnership between Time Warner and Sony Music Entertainment Inc.), the world's largest direct marketer of recorded music and video/motion picture entertainment product. Responsible for all domestic and international legal affairs including marketing and advertising; consumer regulation; rights acquisitions and other transactional matters; copyright and trademark; intellectual property licensing; employment law; and antitrust. Responsibilities included management of litigation and selecting, supervising and collaborating with all outside counsel.

<u>February 1974 - March 1991</u>: Vice President and General Attorney at Sony Music Entertainment Inc., a major worldwide record company, from 1988, when it acquired the business of CBS Records, until March 1991. I joined the CBS Law Department in February 1974 and provided legal service to CBS's U.S. and international record companies; music publishing companies; musical theater ventures and video operations. Responsible for a number of the Department's initiatives and innovations, including the origination of the legal theory and conduct of the litigation which established protection of copyrighted materials against unauthorized "gray market" importing. Chair of the CBS Copyright Group, an intramural education forum for lawyers in all branches of the CBS Organization. CBS's representative on the Legal Committee of the Recording Industry Association of America.

<u>January 1963 - February 1974</u>: Heit & Rothenberg, New York. Varied law practice with special prominence in motion picture, television, theater, literary and copyright fields, as well as general practice including commercial, corporate, litigation, real estate, and matrimonial matters. Partner from 1968.

<u>September 1960 - December 1962</u>: Attorney, American Society of Composers, Authors and Publishers (ASCAP). Duties included licensing and collection matters, music performance rights administration, copyright research and practice.

October 1957 - August 1960. Active service, U.S. Army Judge Advocate General's Corps. Chief Legal officer (Staff Judge Advocate) for regional Army Air Defense Command.

<u>June 1957 - October 1957</u>: ASCAP Legal Department (see above.)

IV. General pertinent experience:

I am a member of the roster of neutrals for the Commercial Division Alternative Dispute Resolution Program of the New York Supreme Court, New York County, and recently completed mediating my first case. The mediation concluded successfully in settlement. I will be undertaking further service in the near future.

I have participated in mediations as an attorney. Also attended Eastern District mediation as observer and assistant to mediator for experience.

I am a member of the Entertainment ADR Committee, American Bar Association Dispute Resolution Section, and have been participating in its ongoing interactive CLE program.

V. Mediation training:

<u>Course</u>: Basic Mediation Training: Conflict Resolution Theory & Techniques (2001). <u>Program Sponsor</u>: Association of the Bar of the City of New York. Hours: 27. (I have also completed the Arbitrator Panel Member and Chairperson training programs of the National Association of Securities Dealers (NASD) and have been called for two cases. Although that is not mediation training, the Court may consider it relevant because it provides a broader grounding in alternative dispute resolution.)

VI. Pertinent bankruptcy training:

I am not a bankruptcy specialist. I have encountered bankruptcies and dealt with bankruptcy-related issues on numerous occasions in my practice, and I am acquainted with general bankruptcy principles.

VII. General pertinent business or legal experience:

Practising Law Institute - Program Faculty: Annual Institute for Intellectual Property Law (1998); Counseling Clients in the Entertainment Industry (1987); The Law of Gray and Counterfeit Goods (1987); Gray Markets and Parallel Importation (1986)

Program Speaker: American Bar Association; Association of the Bar of the City of New York, Committee on Copyright and Literary Property; Federal Bar Association; The Copyright Society of the USA - Annual Meetings, Seminar Programs; The New Music Seminar.

Guest Lecturer: Benjamin N. Cardozo School of Law; Columbia University Division of Continuing Education and Special Programs - Leadership in Law Program; Fordham University School of Law; Hofstra University Law School; New York University School of Law; Seton Hall University School of Law.

Association of the Bar of the City of New York: Judge, National Moot Court Competition (2000-2002); Entertainment and Sports Law Committee.

Judge, Other Moot Court Programs: University of Pennsylvania Law School; Benjamin N. Cardozo School of Law.

The Copyright Society of the USA: Officer, Trustee (three terms), Executive Committee (three terms).