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RESUME OF HENRY J. SILBERBERG

Introduction

Henry Silberberg is a full time neutral arbitrator and mediator. Mr. Silberberg's abilities as a neutral are supported by 37 years in the practice of law at two national law firms, **Stroock & Stroock & Lavan LLP** and **Brown Raysman Millstein Felder & Steiner LLP**, which became a part of **Thelen Reid Brown Raysman & Steiner LLP** in late 2006. At both firms, he had significant roles in developing and chairing the West Coast litigation and ADR departments, as well as in law firm management.

As a full time neutral since 2008, Mr. Silberberg has developed a diverse and substantial practice, as both an arbitrator and a mediator. His experience as an arbitrator began many years ago while he was practicing law and periodically served as a sole arbitrator and member of arbitration panels. His arbitrator experience, much like his practice as a lawyer, has covered the gamut of complex business, real estate, partnership, entertainment, sports, insurance, employment, e-commerce and intellectual property matters. Moreover, as an attorney representing his clients, Mr. Silberberg tried jury and non-jury cases in the federal and state courts and obtained broad, first hand exposure as lead counsel in many complex arbitrations and mediations. Mr. Silberberg was named a Southern California Super Lawyer for 2006 through 2009. In 2012, Mr. Silberberg was invited to become and became a Fellow of the College of Commercial Arbitrators.

While Mr. Silberberg's practice of law was focused in the litigation and arbitration arenas, a part of his practice was to serve, in effect, as outside general counsel to privately held companies who relied upon him for advice with respect to business formations, corporate governance and insurance issues, internal and external investigations, and the negotiation, making and termination of contracts (i.e., merger and acquisition, buy-sell, licensing, distribution, employment, joint venture, shareholder and partnership agreements).

Mr. Silberberg is a member of the Independent Film and Television Alliance Arbitrator Panel; the American Arbitration Association's Entertainment Panel, Large Complex Case Panel and Commercial Panel; the U.S. Panel for the ICC International Court of Arbitration; and on a pro bono basis, the Mandatory Fee Arbitration Panel of the State Bar of California and the Los Angeles County Bar Association's Dispute Resolution Services, Inc.

Mr. Silberberg is a cum laude graduate of the New York University School of Law, where he was a Pomeroy Scholar, Order of the Coif and an editor and member of the Law Review. His undergraduate degree is from the City College of New York. Prior to law firm life, Mr. Silberberg clerked for the Honorable Sterry R. Waterman of the United States Court of Appeals for the Second Circuit and served on the faculty of the UCLA School of Law.

Information regarding Mr. Silberberg's background and experience in addition to that provided in this resume is available on his website at www.silberberberresolution.com.

Illustrative Experiences in the Entertainment, Sports and Advertising Industries

- Arbitrator of claim against director/actor of independent film for leaving in the midst of production after the production company suspended production to consider budget and production issues allegedly attributable to the respondent's conduct.
- Arbitrator of claims under independent motion picture distribution agreements involving minimum guaranty, delivery and audit/accounting issues.
- Arbitrator of claims and counterclaims under agreements to distribute motion pictures for the international airline and cruise markets.
- Arbitrator of claims for breach of contract, breach of fiduciary duty, misrepresentation, conversion and for an accounting related to the alleged failure of a foreign distributor of a motion picture to remit proceeds under license agreements made as the producer's agent with sub-distributors.
- Arbitrator of competing claims under a sponsorship agreement between a professional sports team and a national advertiser regarding the applicability of the "make goods" and termination provisions.
- Arbitrator of claims relating to the financing of production of a motion picture.
- Arbitrator of dispute relating to the online distribution of film and television programming.
- Arbitrator of dispute concerning the interpretation of a distribution agreement relating to an assignment for the benefit of creditors made by the film's producer after delivery of the film to its distributor and creditor.
- Arbitrator of claims under an agreement to provide a Naming Rights sponsor for a major retail and entertainment real estate complex.

- Arbitrator of claims alleging breach of license to market and commercially exploit exercise equipment products via infomercials and otherwise.
- Member of panel in arbitration concerning claim against a law firm for legal malpractice and excessive billing relating to a lawsuit between former partners in an advertising industry related business.
- Arbitrator of claim for breach of "change in control" provisions of an executive employment agreement.
- Representation of a television production company in defense of breach of contract and fraud claims in an action seeking in excess of \$40 million relating to a television commercial which appeared on a national retailer's website.
- Representation of a public entertainment company, a group of advertising agencies and other clients in defense of wrongful termination claims and in counseling on employment matters.
- Representation of an entertainment company in defense of copyright, trademark, right of publicity, unfair competition and contractual claims arising out of the client's production of a pay per view video from a concert, brought by persons and various bands who performed at the concert.
- Representation of a music production company in defense of copyright, trademark, right of publicity and unfair competition claims arising out of a nationally televised beer commercial brought on behalf of the copyright owners and the members of a music group whose music was employed in the commercial.
- Representation of the Jockeys' Guild in litigation against most of the thoroughbred race tracks in the United States and the Thoroughbred Racing Associations of North America, Inc. for declaratory and injunctive relief respecting the common law and statutory rights of publicity of jockeys in connection with the intrastate and interstate simulcasting of thoroughbred races from track to track and to off-track betting facilities.
- Representation of a film studio in a series of cases brought by individuals appearing in a motion picture, without their written consent, claiming they were commercially exploited in violation of their rights of privacy and that the defendant's acts were not privileged by reason of the alleged documentary nature of the film.
- Representation of the lead insurance carrier in defense of a bad faith and coverage action against several directors' and officers' liability carriers challenging the propriety of a "Mary Carter" settlement made by the insurance companies in settling on behalf of most, but not all defendants, consolidated class actions on behalf of shareholders of a public entertainment company.

- Representation of a 50% owner of a production company in a dispute with the other 50% owner over allegations concerning self-dealing, misappropriation, fiduciary duty and accounting issues and the eventual division of the company's assets and liabilities and severance of the relationship between the parties.

Alternative Dispute Resolution Training

- ABA Section of Dispute Resolution 12th Annual Spring Conference, 2010
- AAA and ICDR Neutrals Conference, International Awards: Remedies, Damages and Interest, 2009
- AAA and ICDR Neutrals Conference, Chairing the ICDR International Arbitral Tribunal, 2009
- AAA and ICDR Neutrals Conference, Managing the ICDR Guidelines on Information Exchange, 2009
- Arbitrator Training, Independent Film & Television Alliance, 2009, 2010 and 2011
- Straus Institute for Dispute Resolution, Pepperdine University School of Law, Mediating the Litigated Case, 2008
- Straus Institute for Dispute Resolution, Pepperdine University School of Law, Negotiating, Mediating and Managing Conflict: Evolution in a Global Society, 2008
- State Bar of California's Committee on Mandatory Fee Arbitration, Fee Arbitration Training, 2008
- Arbitrating Chinese, Foreign Business Disputes: The Hong Kong Option, 2007
- AAA Arbitration Awards: Safeguarding, Deciding & Writing Awards, 2007
- AAA Chairing an Arbitration Panel: Managing Procedures, Process & Dynamics, 2006
- AAA Dealing With Delay Tactics in Arbitration, 2005
- AAA Arbitrator Ethics & Disclosure, 2005
- AAA Commercial Arbitrator II Training: Advanced Case Management Issues, 2002
- AAA Arbitrator Update, 2001
- AAA Commercial Arbitrator Training, 1999

Work History

2008-present: Self-Employed, Silberberg Resolution Services
2007: Partner, Thelen Reid Brown Raysman & Steiner LLP
1995-2006: Managing Partner/Los Angeles Office, Brown Raysman Millstein Felder & Steiner LLP
1977-1995: Co-Managing Partner/Los Angeles Office, Stroock & Stroock & Lavan LLP
1970-1976: Associate/New York Office, Stroock & Stroock & Lavan LLP
1969-1970: Instructor of Law, UCLA School of Law 1968-1969: Law Clerk, The Honorable
Sterry R. Waterman, United States Court of Appeals for the Second Circuit

Education

New York University School of Law (J.D. cum laude 1968)
Order of the Coif
Pomeroy Scholar
Law Review

City College of New York (B.S. 1965)

Bar Memberships

New York, 1968
California, 1976

Court Admissions

Supreme Court of the United States
U.S. Court of Appeals for the Second, Ninth and Federal Circuits
U.S. District Courts for the Eastern and Southern Districts of New York
U.S. District Courts for the Central, Southern, Northern and Eastern Districts of California

Professional Affiliations

American Bar Association (Section of Dispute Resolution)
Los Angeles County Bar Association
Fellow, College of Commercial Arbitrators