

**IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

MELISSA FERRICK, et al.,

Plaintiff,

vs.

SPOTIFY USA INC., et al.,

Defendants.

No. 1:16-cv-08412 (AJN)

**CORRECTED DECLARATION OF  
KEITH BERNSTEIN IN SUPPORT  
OF PLAINTIFFS' MOTION FOR  
FINAL APPROVAL**

I, Keith Bernstein, declare:

1. I am the Chief Executive Officer of the Entertainment Council d/b/a Royalty Review Council ("RRC"), located at 15456 Ventura Boulevard, Suite 400, Sherman Oaks, CA 91403. I have personal, first-hand knowledge of the matters set forth herein and, if called to testify as a witness, could and would testify competently thereto.

2. RRC was founded in 1999 and has grown into an industry-leading team of specialists that provide financial consulting services for media and entertainment companies.

3. Pursuant to paragraph 1.44 of the Settlement Agreement, RRC has been retained by Class Counsel as a Settlement Facilitator to assist Settlement Class Members with the completion and Submission of a Claim Form and/or Royalty Claim Form and to assist in the identification of individuals and entities that qualify as Settlement Class Members, as discussed in paragraphs 3.3 and 4.3(n) of the Settlement Agreement.

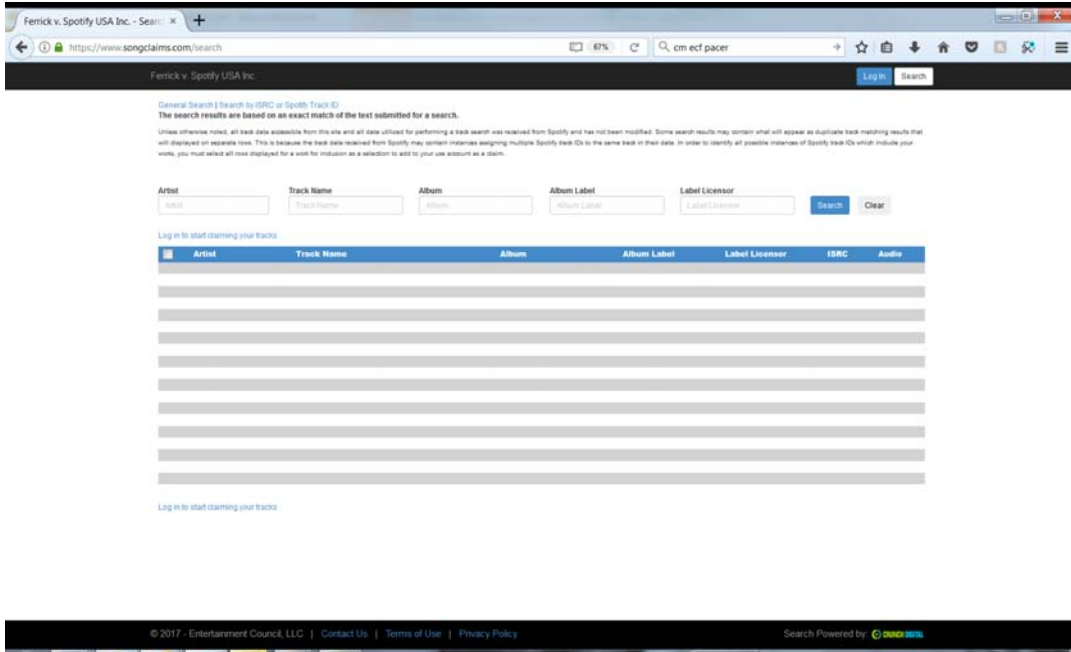
4. In conjunction with RRC's role as a Settlement Facilitator, RRC has created a portal ("the Portal").

5. The Portal enables Settlement Class Members to search for sound recordings that were made available by Spotify between December 28, 2012 and June 29, 2017 and to assist

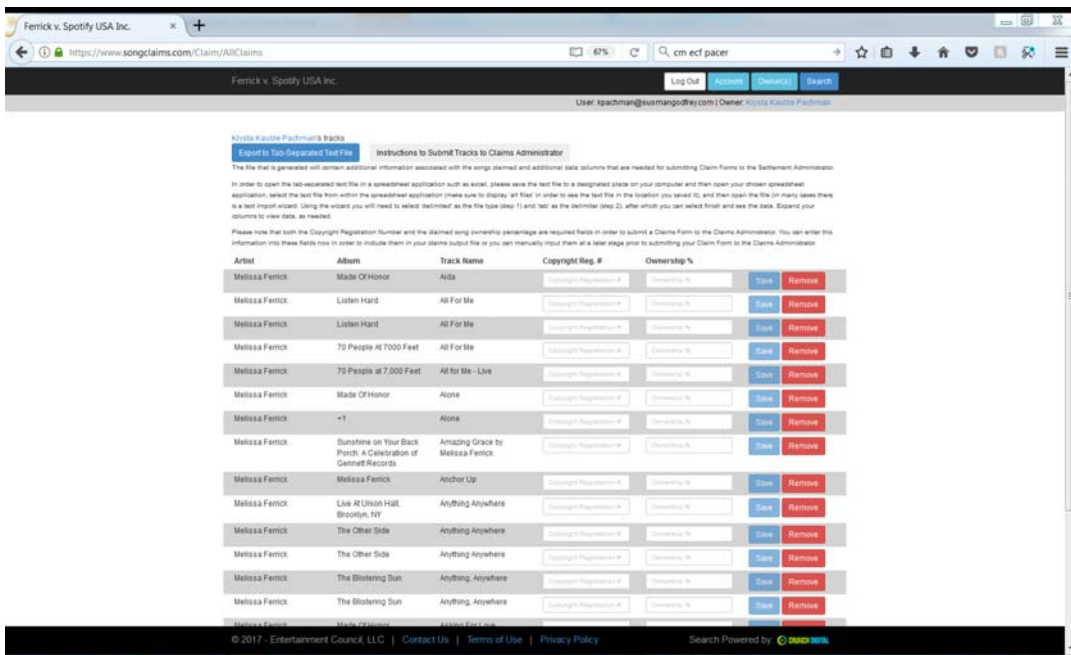
Settlement Class Members with access or assistance to relevant information needed to file a Claim Form, including U.S. copyright registration numbers, ISRCs and/or Spotify track identifiers. Class Members who do not use the Portal may still submit a Claim Form manually and do not need the Portal in order to submit a Claim Form.

6. RRC is currently developing a feature that enables users to search for U.S. copyright registration numbers, which Class Members could otherwise obtain directly from the Library of Congress. RRC expects the feature to be live by the time the Portal is publicly accessible.

7. Settlement Class Members create user accounts for the Portal in order to select and save sound recordings to be submitted on a Claim Form. Once Settlement Class Members have created accounts, they can log in to the Portal, and search for songs by artist, track name, album, album label, label licensor, and/or ISRC and Spotify track ID. After completing a search, the Portal populates songs that match the search criteria submitted by the Settlement Class Member. When the search results are shown, the Portal details the artist, album, track name, ISRC, Album Label, and Label Licensor, and provides a link to an audio file of the song so that the Settlement Class Member can verify the accuracy of his or her submission. A screenshot of the functionality is pasted below.

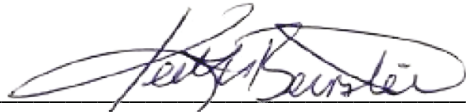


8. The Portal gives Settlement Class Members the ability to select all of the songs to be claimed in conjunction with the settlement and export the information into a text file, which can be converted to an Excel file, that can be submitted with his or her Claim Form. A screenshot of the functionality is pasted below.



I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: November 10, 2017

By:   
\_\_\_\_\_  
Keith Bernstein

**CERTIFICATE OF SERVICE**

I hereby certify that on November 13, 2017 I caused the foregoing CORRECTED DECLARATION OF KEITH BERNSTEIN IN SUPPORT OF PLAINTIFFS' MOTION FOR FINAL APPROVAL to be served via the Electronic Case Filing (ECF) system in the United States District Court for the Southern District of New York, on all parties registered for CM/ECF in the above-captioned matters.

Dated: November 13, 2017

/s/ Steven G. Sklaver  
Steven G. Sklaver