

# TRAILBLAZERS

## SPORTS | ENTERTAINMENT

### JOHN V. BERLINSKI KASOWITZ BENSON TORRES LLP



**PIONEER SPIRIT** While working for his old firm, John Berlinski came across a posting on Monster.com for an in-house litigator position at NBCUniversal. “While there, I developed an expertise for profit participation litigation. I successfully oversaw the defense of a major arbitration and became known for these kinds of disputes.”

**TRAILS BLAZED** Berlinski founded Kasowitz Benson Torres’ entertainment litigation practice in 2013 and the firm is now one of the few big firms representing talent in disputes against major studios. Notwithstanding that arbitration in the entertainment industry is largely seen as beneficial to the studios due to their control of the arbitration association selection, Berlinski has obtained precedent-setting recoveries for actors and producers against major studios. “Most arbitrators want to do the right thing despite the financial incentives.” In a landmark decision for actors and producers, Berlinski represented actors Emily Deschanel and David Boreanaz and producer Kathleen Reichs of the TV show “Bones” in obtaining a \$179 million award against 21st Century Fox for fraud and breach of contract. “Fox licensed the show to multiple sister networks for less than it would have been licensed in arms-length deals. We proved that Fox had engaged in a pattern of self-dealing, and obtained the largest award in the history of profit participation disputes for our clients.”

**FUTURE EXPLORATIONS** Berlinski sees increasing challenges for talent and producers as studios begin to replace profit participation clauses with simpler, less valuable bonus structures in response to his win against 21st Century Fox. “They are changing the entire model and setting up one that is not as lucrative and reduces their litigation risk.”