

Judge Nixes deposition for **Sumner Redstone** in ex girlfriend's lawsuit

Sumner Redstone will not have to submit to a deposition as part of a lawsuit brought by his former girlfriend, whose litigation has raised questions about the media mogul's competency and ability to govern two media companies.

A Los Angeles Superior Court judge denied the motion after Redstone's attorneys said that they would not call him to testify. Robert Klieger, who represents Redstone, said the Redstone would not provide verbal testimony as he has a "very, very severe speech impediment."

"We cannot put him through that, particularly in an adversarial proceeding," he said. Instead, he raised the prospect of written testimony, but Superior Court Judge David Cowan said he would not allow him "to testify by declaration."

On Wednesday, attorneys for Manuela Herzer filed a petition in Superior Court of the State of California seeking to depose Redstone, who is the biggest shareholder in Viacom Inc. and CBS Corp. Herzer, once romantically involved with the executive, was ousted from Redstone's household last year. Herzer's lawsuit challenged that removal as well as his competency. The litigation was on the verge of being settled last week, but for undisclosed reasons is now set to continue.

Previous motions to depose Redstone have been denied. But Herzer's attorneys argued that circumstances have changed, as counsel "purporting to represent Redstone are now offering him as a trial witness." Klieger told Cowan that what they had done is

reserve the right to call him to testify. But upon questions from Cowan, Klieger said they would not call Redstone.

Pierce O'Donnell of Greenberg Glusker, representing Herzer, said after the brief hearing that although their motion was denied, it was significant that Redstone's attorneys told the court that they would not call him as a witness. "The state of play today was that Sumner Redstone will not be testifying. That dooms their case," he said, arguing that it proves incompetency. In court filings, Herzer's attorneys also contend that recently discovered evidence shows Redstone's counsel had concerns over his capacity as far back as April 2015. O'Donnell said that he was going to New York next week to take a deposition from Redstone's daughter, Shari, on Tuesday. A deposition from Viacom CEO Philippe Dauman is scheduled for April 29, he said.

In a statement, Sumner Redstone attorney Gabrielle Vidal of Loeb & Loeb again questioned Herzer's motive for pursuing the litigation. "We are deeply gratified that the court continues to protect Mr. Redstone's privacy and dignity," Vidal said. "Ms. Herzer's eagerness to subject a 92-year-old man with a severe speech impairment to these intrusive proceedings is offensive. We also find it telling that while Ms. Herzer claims to be acting for Mr. Redstone's benefit, she refers to him in Court as her 'opponent'." — Reuters



Manuela Herzer and Sumner Redstone during better times



Former president of the Lincoln Center, Jed Bernstein

Lincoln Center president exits

The president of Lincoln Center, Jed Bernstein, has suddenly stepped down from the post after about three years in the job. The former head of the Broadway League and a Broadway producer, Bernstein quits in order to get back to creative and producing activities, according to a memo Bernstein sent the Lincoln Center staff. Prior to joining Lincoln Center, Bernstein had produced Broadway shows including "Driving Miss Daisy," and had also served as the impresario who got the Bucks County Playhouse back up and running. "As I have considered my future, I have come to realize that the next step for me should be a return to direct engagement with what makes me happiest: creating and producing," Bernstein said in the memo.

Given his background in for-profit show business, Bernstein was a surprising choice for the lead role at Lincoln Center, the umbrella nonprofit uniting 11 arts organizations including the Metropolitan Opera and Lincoln Center Theater. Past presidents tended to be drawn from public service or city government sectors. Related Lincoln Center Looks to Broadway for New Leadership Bernstein came aboard just as Lincoln Center was wrapping up its \$1.2 billion renovation of the entire campus, but he leaves just in the final phases of fundraising begin on the renovation of what is now David Geffen Hall, the building for which Geffen ponied up \$100 million. That renovation could reportedly cost \$500 million. During Bernstein's brief tenure, he launched a new series of cinemacasts, Lincoln Center at the Movies, inspired by the Metropolitan Opera's successful Live in HD programming, and kicked off the initiation of a performing arts-focused hall of fame.—Reuters

Former SAG pension and health plans exec gets probation for tax fraud

Nader Karimi, former chief information officer for the SAG Pension and Health Plans, has been granted five years of probation after pleading guilty to filing a false tax return in connection with allegedly embezzling over \$700,000.

The federal government had asked US District Court Judge Fernando Olguin to follow sentencing guidelines that called for a jail term of 18 to 24 months, according to Assistant US Attorney Angela Davis. But the jurist sided with the US Probation Office, which had recommended that he serve no jail time.

Karimi's attorney Sara Azari argued that her client had expressed deep remorse for his actions and had lived an "exemplary" life other than the embezzlement. Olguin ordered Karimi to serve eight months of home detention with electronic monitoring, pay \$208,000 in restitution to the Internal Revenue Service and make an additional restitution payment of at least \$100,000 to the plans.

Karimi had pleaded guilty on Nov. 12 to filing a false return, admitting that he failed to report income of \$711,316 during 2005 through 2008. During 2005 through 2009, he was chief information officer for the SAG plans, which are operated independently of the union and overseen by a board that's comprised of equal numbers of representatives of employers and of the union. His duties included modernization of the plans' computer information and technology systems.

Karimi was also an officer during that time at Entertainment Technology and Management Solutions and was responsible for causing the plans to enter into contracts and work agreements with ETMS. "Defendant caused these payments to ETMS to be deposited in the ETMS bank account, after which defendant used the sums to pay for personal expenses," the plea agreement said.

Allegations against Karimi emerged in 2011 when fired plan exec Craig E. Simmons filed a complaint with the federal government asserting that he was terminated for acting as a whistleblower about alleged embezzlement at the fund by Karimi. Simmons also filed a wrongful termination suit against the plans, accusing the plans' longtime CEO Bruce Dow of covering up the embezzlement.

Dow retired in 2012. Simmons' suit was settled in arbitration in 2014. The SAG and AFTRA health and pension plans have continued to operate separately, more than four years after members of SAG and AFTRA voted to merge the performers unions. The merger was touted as a way to merge the health and retirement plans, but efforts to do so have not been successful. — Reuters



Nader Karimi and his attorney