

**UNITED STATES COURT OF APPEALS
FOR THE FIRST CIRCUIT**

No. 10-2173

SAMUEL BARTLEY STEELE; BART STEELE PUBLISHING; STEELE RECORDZ,

Plaintiffs-Appellants,

v.

VECTOR MANAGEMENT; MLB ADVANCED MEDIA, L.P.,

Appellees.

THE AMERICAN SOCIETY OF COMPOSERS; FOX TELEVISION STATIONS, INC.; ISLAND RECORDS, a/k/a Island Def Jam Records; THE BIGGER PICTURE CINEMA CO.; TURNER BROADCASTING SYSTEM, INC.; TIME WARNER, INC.; JON BONGIOVI, individually and d/b/a Bon Jovi Publishing; RICHARD SAMBORA, individually and d/b/a Aggressive Music; WILLIAM FALCONE, individually and d/b/a Pretty Blue Songs; FOX BROADCASTING COMPANY; MAJOR LEAGUE BASEBALL PROPERTIES, INC.; MLB PRODUCTIONS, A&E; A & E/AETV; BON JOVI; AEG LIVE, LLC; MARK SHIMMEL MUSIC; AGGRESSIVE MUSIC, a/k/a Sony ATV Tunes; BON JOVI PUBLISHING; UNIVERSAL MUSIC PUBLISHING GROUP; UNIVERSAL POLYGRAM INTERNATIONAL PUBLISHING, INC.; PRETTY BLUE SONGS; SONY ATV TUNES; KOBALT MUSIC PUBLISHING AMERICA, INC.; BOSTON RED SOX,

Defendants.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

**APPELLEE MLB ADVANCED MEDIA, L.P.'S
REPLY TO APPELLANT STEELE'S RESPONSE TO
MOTION TO WITHDRAW AND MOTION FOR AFFIRMATIVE RELIEF**

Pursuant to Fed. R. App. P. 27(a)(4), Appellee MLB Advanced Media, L.P. ("MLBAM") respectfully submits this reply to Appellant Samuel Bartley

Steele's ("Steele") Response To Motion To Withdraw And Motion For Affirmative Relief ("Steele's Response") dated June 21, 2011.

On June 17, 2011, attorney Scott D. Brown filed a motion to withdraw as counsel for MLBAM on this appeal due to his departure from the law firm Skadden, Arps, Slate, Meagher & Flom LLP and a change in his employment.¹ Steele and his counsel, Christopher A.D. Hunt ("Hunt"), have needlessly filed a response to this motion. Although they concede that this is a "routine, procedural motion[]," they nevertheless, once again, burden this Court -- and Appellee -- with well-worn, baseless assertions of "fraud on the court," which Steele acknowledges have been "repeatedly raised" and which are not relevant to this ministerial motion. (Steele Response at 5, 6.)

As to Steele's groundless allegations of purported wrongdoing,² counsel for MLBAM respectfully refer this Court to two recent District Court decisions that reject similar allegations by Steele and Hunt and impose Rule 11 sanctions in the form of an admonition. See Steele II, No. 10-11218-NMG,

¹ Attorney Brown's change in employment is unrelated to this appeal, to Steele's three other appeals pending before this Court, or to the lawsuit currently pending in Massachusetts state court referred to by Steele.

² Although MLBAM does not attempt to address every allegation, inaccuracy, or mischaracterization in Steele's Response, MLBAM obviously disputes Steele's factual assertions and is not conceding their accuracy.

2011 WL 1882276, at *4 (D. Mass. May 17, 2011) (concluding that “sanctions are warranted here and [] Steele’s proliferating lawsuits against essentially the same group of defendants border on harassment”); Steele III, No. 10-11458-NMG, 2011 WL 1897654, at *5 (D. Mass. May 18, 2011) (also imposing sanctions). In sum, this Court should disregard Steele’s frivolous Response and authorize the clerk to grant Mr. Brown’s “routine, procedural motion[.]” (See Steele Response at 6.)

Dated: June 23, 2011
Boston, Massachusetts

Respectfully submitted,

/s/ Clifford M. Sloan
Clifford M. Sloan (1st Cir. No. 60920)
SKADDEN, ARPS, SLATE,
MEAGHER & FLOM LLP
1440 New York Avenue, N.W.
Washington, D.C. 20005
(202) 371-7000

Matthew J. Matule (1st Cir. No. 60698)
Christopher G. Clark (1st Cir. No. 122617)
SKADDEN, ARPS, SLATE,
MEAGHER & FLOM LLP
One Beacon Street
Boston, Massachusetts 02108
(617) 573-4800

Counsel for Appellee
MLB Advanced Media, L.P.

CERTIFICATE OF SERVICE

I, Christopher G. Clark, hereby certify that on June 23, 2011 I electronically filed the foregoing document with the United States Court of Appeals for the First Circuit by using the CM/ECF system. I certify that the following parties or their counsel of record are registered as ECF Filers and that they will be served by the CM/ECF system: Christopher A.D. Hunt, The Hunt Law Firm LLC, 10 Heron Lane, Hopedale, Massachusetts 01747, cadhunt@earthlink.net, counsel of record for Appellants Samuel Bartley Steele, Bart Steele Publishing, and Steele Recordz and Jeremy P. Oczek, Proskauer Rose LLP, One International Place, 22nd Floor, Boston, Massachusetts 02110, joczek@proskauer.com, counsel of record for Appellee Vector Management, LLC.

Dated: June 23, 2011

/s/ Christopher G. Clark
Christopher G. Clark