

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

_____)	
SAMUEL BARTLEY STEELE)	
Plaintiff)	No. 10-11458-NMG
v.)	
)	
ANTHONY RICIGLIANO et al.,)	
Defendants)	
_____)	

**PLAINTIFF’S OPPOSITION TO DEFENDANTS’
MOTION TO DISMISS THE VERIFIED COMPLAINT¹**

Plaintiff Samuel Bartley Steele opposes Defendants' Motion to Dismiss the Verified Complaint ("Defendants' Motion") as further detailed below. Most importantly, Defendants' Motion should be disregarded as nothing more than a useless gesture, a half-hearted parry to Steele's disclosure of evidence that Defendants' counsel, Skadden, Arps ("Skadden") attempted remove defendant Fenway Sports Group a/k/a FSG f/k/a New England Sports Enterprises LLC ("FSG") from this case by willfully defaulting and concealing FSG's willful default by filing false appearances, corporate disclosure statements, and other papers. See, e.g., Exhibits A, B, C (March 21, 2011 Letter to Clark (*Steele III*); March 28, 2011 Letter to Matule (*Steele III*); March 13, 2011 Letter to Matule (*Steele IV*), respectively).

¹ This Opposition pertains to the March 25, 2011-filed motion, docket entry 68. Though titled "Defendants' Motion," it was filed on behalf of defendants "Fenway Sports Group a/k/a FSG f/k/a New England Sports Enterprises LLC" and "New England Sports Enterprises, LLC, f/d/b/a Fenway Sports Group f/a/k/a FSG." The quotes are defendants' original.

Skadden, caught red-handed, attempts damage control. The affront to the Court's integrity and the judicial system, however, is done. FSG should not be allowed a "free do-over," joining a pending motion to dismiss after declining to join that motion in order to willfully default, conceal it by filing false appearances, and continue to do so to this day.

INTRODUCTION AND PRELIMINARY STATEMENT

FSG belatedly seeks to defend itself by moving to dismiss nearly five months after being served and after over *four months in default*. See Docket Sheet, attached as Exhibit D. FSG casually adopts its co-defendants' arguments from their September 1, 2010 Motion to Dismiss (Docket No. 8) as if it were 'just another defendant' in the group.

FSG is most certainly *not* like its co-defendants, *all of whom* filed timely appearances and motions to dismiss *months ago*. Rather, it appears FSG planned to 'sit this one out' but was abruptly brought back in by Steele's diligent - if tedious - work in analyzing FSG's filings, or rather lack thereof, along with those of defendant New England Sports Enterprises, LLC, *f/d/b/a* Fenway Sports Group *f/a/k/a* FSG ("NESE"). See Exhibits A, B, C. Eventually, Steele learned that FSG *was not* merely the business name of NESE, as it represented to the Court, and was, in fact, in default. See Exhibits A at 2-4, C at 1-3, and E.

Confronted with this evidence, Skadden essentially conceded the point, and initiated a flurry of filings on FSG's behalf, including multiple (and conflicting) corporate disclosure statements, additional and redundant notices of appearance, and motions to dismiss

(including this one), not only here, but in a parallel Suffolk Superior Case, Steele v. Boston Red Sox, ("Steele IV") in which FSG and NESE are also defendants.²

Accordingly, this Court is not faced with merely another name on the list of moving defendants, but with a defendant - FSG - that went its own way, attempted to game the system and sneak out of the case, and got caught.³ Steele's Opposition, therefore, does not - cannot - merely adopt its prior arguments in reciprocal fashion.

Steele, therefore, in addition to adopting his arguments contained in his September, 20, 2010 Opposition (Docket No. 16), opposes Defendants' Motion on the following additional grounds: (1) FSG's pre-motion misconduct in willfully defaulting and concealing its default (until caught) requires - at a *minimum* - denial of Defendants' Motion, if not the imposition of sanctions, as the Court may see fit; (2) Skadden - through its silence - has conceded its commission of fraud on the Court during Steele I, allowing this Court to negate any preclusive effect arising from a fraudulently obtained judgment; (3) Defendants' "Declaration of Anthony Ricigliano," filed with their September 1, 2010 motion to dismiss,

² See *Steele III*: FSG & NESE's (2nd) Notice of Appearance of November 10, 2010 (Docket No. 40); FSG's Corporate Disclosure Statement of November 10, 2010 (Docket No. 42); FSG's (2nd) Corporate Disclosure Statement of March 25, 2011 (Docket No. 67); NESE's (2nd) Corporate Disclosure Statement of March 25, 2011 (Docket No. 66); FSG & NESE's (2nd) Motion to Dismiss of March 25, 2011 (Docket No. 68); FSG's (3rd) Corporate Disclosure Statement of April 1, 2011 (Docket No. 70); *Steele IV*: FSG's (2nd) Corporate Disclosure Statement of March 25, 2011; FSG's (3rd) Corporate Disclosure Statement of April 1, 2011.

³ To be clear, Steele has not asserted NESE was or is in default and, as noted on page two of Defendants' Motion, NESE already moved to dismiss on November 5, 2010. The reason for NESE joining the instant motion is unclear and, as detailed below, adds to the considerable confusion Defendants' filings have already created. For purposes of this opposition, and for the record, Steele unequivocally opposes Defendants' Motion as to NESE as well as FSG.

not only fails to defend Ricigliano, but in fact affirms Steele's allegations of copying by defendants generally, including FSG.

1. *FSG Willfully Defaulted and its Counsel Attempted to Conceal FSG's Default by Filing False Appearances, Corporate Disclosure Statements, and Motions*

FSG was properly served on October 15, 2010, but defaulted, and remained in default for over four months, until March 25, 2011, when it filed the instant Motion to Dismiss. See Defendants FSG & NESE's Motion to Dismiss (Docket Nos. 68, 68-1), attached as Exhibit F. FSG was tardy responding to Steele's Complaint not because of inadvertence or mistake (FSG does not argue otherwise), but because Steele caught Skadden attempting to improperly remove FSG from this case by claiming FSG was just another name for NESE. See FSG's 1st and 2nd Corporate Disclosure Statements, attached as Exhibits G and H.

Skadden's plot began to unravel following Steele's March 13, 2011 letter to Skadden, addressing the identical issue - NESE's attempted appearance for itself and FSG, while the latter willfully defaulted - in Steele's Suffolk Superior Court case (Steele IV), in which FSG is also represented by Skadden. See March 13, 2011 Letter to Matule, attached as Exhibit C. In a March 21, 2011 letter to Skadden, Steele raised the issue as to this case specifically (also cross-referencing Steele IV at Note 1). See March 21, 2011 Letter to Clark, attached as Exhibit A.⁴

⁴ The corporate disclosure requirement was, of course, implemented to allow the Court to determine if a potential conflict of interest might require recusal in a given case. Skadden utilized the corporate disclosure mechanism for a substantive self-serving purpose in the

In the above referenced letters, Steele informed Skadden that NESE cannot properly appear for *both* FSG and NESE. Steele further *directly accused* Skadden of impropriety, recalling Steele v. TBS, et al., 08-11727 ("Steele I"), when Skadden employed identical tactics against the then-*pro se* Steele to conceal two defendants' willful defaults with false appearances. See Exhibits A at 3, C at 2. Steele stated he would "allow one week - until March 28, 20[11]" for Skadden to correct the record filings in this case as to FSG and NESE. See Exhibit A at 4-5.

Skadden appeared to acquiesce, filing FSG's second corporate disclosure statement, NESE's second corporate disclosure statement, and the instant motion to dismiss on March 25, 2011. See Exhibits H, I, F, respectively.

A closer look, however, revealed that Skadden's March 25, 2011 filings were, once again, inaccurate, confusing, and deceptive, and Steele said as much in a March 28, 2011 letter to Skadden. See Exhibit B. Steele's letter noted that FSG's then-latest corporate disclosure form was self-contradicting, failed to disclose FSG's parent, and was, overall, more confusing and deceptive than its prior disclosure statement.

Steele further pointed to FSG's own March 22, 2011 press release announcing a byzantine corporate restructuring designed to "re-brand" "Fenway Sports Group (FSG)" as "Fenway Sports Management (FSM)," retire (and remove from public view) "FSG," and

underlying case - and an illegal one at that - to conceal, rather than disclose, FSG's corporate status from the Court in order to conceal FSG's willful default - is particularly troubling.

rename FSG-cum-FSM's corporate parent, NESV I, as "Fenway Sports Group."⁵ See March 22, 2011 FSG Press Release, attached as Exhibit J. FSG's two corporate disclosure statements already on file directly contradicted FSG's March 22, 2011 press release. See Exhibit B at 2.

Skadden, as with Steele's earlier letters, did not question any facts, instead filing FSG's *third* corporate disclosure statement on April 1, 2011, though once again only after being confronted by Steele, and just one week after FSG had filed its second corporate disclosure statement. See April 1, 2011 FSG (3rd) Corporate Disclosure Statement, attached as Exhibit K.

Neither of FSG's post-press release disclosure statements are accurate and only the latest - April 1, 2011 - corporate disclosure statement acknowledges FSG's corporate restructuring, at least insofar as it introduced a new name - New England Sports Ventures - into FSG's ever-evolving corporate disclosure statements. See Exhibit K. However, FSG's latest effort at corporate disclosure failed to disclose FSG's new name - FSM - and the interrelated (and confused) corporate "re-branding" efforts. Id.

FSG's April 1, 2011 corporate disclosure also misstates that Fenway Sports Group "does not now exist, nor has it ever existed, as a separate or distinct legal entity." Id. FSG's press release, on the other hand, declares: "Created in 2001, *Fenway Sports Group* is one of

⁵ FSG's corporate parent's new website, www.fenwaysportsmanagement.com, makes no mention of "FSG" and in fact suggests it never existed: "Since its inception in 2004, FSM has created successful integrated sports marketing programs." (from the "About Us" tab)

the largest sports, media and entertainment companies in the world.” See Exhibit J (emphasis supplied).

A misrepresentation by omission common to all of FSG’s filings, and first raised in Steele's March 13, 2011 letter (Exhibit C), is FSG’s failure to address, at any time, defendant FSG as such: “FSG.” Instead, FSG (and NESE) have appeared and ostensibly disclosed information pertaining only to “Fenway Sports Group.” See Exhibits G, H, I, K.

However, the press release reveals that defendant FSG is distinct from "Fenway Sports Group" and has even undergone its own “re-branding efforts,” changing its name to “FSM.” See Exhibit J. At the same time, FSG/FSM's *separate and distinct* parent company, New England Sports Ventures - which is also the parent of NESE - changed its name to “Fenway Sports Group.” Id.

* * *

Yet FSG wants it both ways: to remain improperly concealed in default while simultaneously moving to dismiss - preemptively - in order to avoid default entering.

Specifically, after all of FSG's ostensibly corrective - but demonstrably false - filings, done in *direct response* to Steele's un-refuted accusations, FSG maintains that it is not a defendant and, incredibly, asserts that its own Motion to Dismiss is "unnecessary." See Motion to Dismiss at 2, attached as Exhibit F. FSG is a sophisticated business entity represented by an equally sophisticated law firm. It is not unreasonable to suggest that they should not file "unnecessary" motions.

Indeed, Defendants' purported reason for filing this "unnecessary" motion is to "hopefully" avoid "unnecessary" motion practice on "default issues." Defendants' Motion at 2. By their logic, therefore, Defendants have filed one "unnecessary" motion to "hopefully" "avoid" a different one. Id. Defendants' self-proclaimed "unnecessary" motion to "avoid" a hypothetical motion is, by admission and by definition, manifestly improper.

In short, Defendants tell us they filed an unnecessary motion to prevent an unnecessary motion, akin to destroying something to save it, a nullity.

Defendants cite this Court's September 27, 2010 Order in Steele I as support for their "unnecessary" motion practice. Id. at 2, n.2. Defendants not-so-subtly imply they are also saving Steele from himself, i.e., from the consequences - "sanctions" - of filing *another* motion for entry of default, or as Defendants misremember it, "*purported* default." Id. (emphasis supplied). However, the Court's September 27, 2010 Steele I Order found that defendants *had*, in fact, defaulted (and not "purportedly" so). See Memorandum and Order at 7-9 (Docket No. 136). The Steele I motion for default was denied for other reasons; the Court found no basis for *entry of default* based on the Court's earlier summary judgment ruling. See Id. at 13.

Here, however, Steele uncovered Skadden's willful default and false appearance scheme much earlier in the proceedings.⁶

Skadden's corporate naming shell games are strikingly similar to those employed by Skadden in Steele I; however, here they were caught prior to - and without cover from - an

⁶ Steele was *pro se* in Steele I.

earlier judgment. Once Steele sniffed out Skadden's plot, Skadden filed three different FSG corporate disclosure statements, FSG's appearance, and FSG's very late motion to dismiss - that Skadden, hedging its bets, also claims was "unnecessary."

It is unlikely that Skadden lacks the knowledge or expertise to *know* whether their client is in default. Skadden would not file an unnecessary motion 'just in case' they are wrong.

It is similarly unlikely that Skadden is so lacking confidence in this Court's ability to rule on *necessary* motions that it feels it must file preemptive - unnecessary, that is - motions in fear of unfiled future motions.

Neither seems likely in light of the similar, well-documented, and *undisputed* conduct of Skadden in Steele I. See September 20, 2010 Steele Opposition to Defendants' Motion to Dismiss at 13-15 ("Steele Opposition"). Occam's Razor guides to first look at what we know.⁷ For example, *has this happened before?* If so, *by whom* and *to what end?*

2. *Fraud on the Court - Conceded by Skadden - Trumps Any Preclusion Defense*

Steele's September 20, 2010 Opposition to Defendants' Motion to Dismiss made the legal point that fraud on the Court may limit the preclusive effect of any judgment obtained by said fraud. *Id.* Thereafter, Skadden requested, and Steele assented to, leave for defendants to file a reply to Steele's Opposition. See Docket Sheet, Entry No. 17.

⁷ Occam's Razor postulates generally that simple theories are preferred over complex ones and that unknown phenomena should first sought to be explained in terms of what is known. Merriam-Webster online: <http://www.merriam-webster.com/dictionary/occam's%20razor>

Incredibly, Defendants' Reply to Steele's Opposition ignored entirely Steele's fraud argument, failing to rebut Steele's factual assertions of gross misconduct and false filings with the Court in Steele I. See Steele Opposition at 13-14.

In reality, there was little Skadden could deny: facts detailing Skadden's improprieties are in the record, the docket, and in Skadden's own filings and correspondence. Id. Skadden, accordingly, did not even attempt a defense against Steele's fraud on the Court charges in their Reply. See Skadden Reply to Steele Opposition.

3. Defendant Ricigliano's Declaration Does Not Deny Steele's Primary Allegations

Defendant and musicologist Anthony Ricigliano ("Ricigliano") submitted a declaration in support of the moving defendants' motion to dismiss Steele's Complaint. See Declaration of Anthony Ricigliano (Docket No. 9) ("Declaration"). Ricigliano's Declaration attempts a rebuttal of Steele's specific and substantive allegations as to Ricigliano and Ricigliano's company, Donato Music Service, Inc. ("Donato"). See Complaint, ¶¶ 187, 193-95, 207, 212, 239, 243.

Defendants cite to the Declaration in support of their Motion to Dismiss, and their Reply to Steele's Opposition. See September 1, 2010 Motion to Dismiss (Docket No. 8) at 13-14, and January 27, 2011 Reply to Steele's Opposition at 4-5 (Docket No. 63). FSG has adopted the arguments made therein. See Exhibit F at 2.

Ricigliano, however, does not deny Steele's central complaint: that Ricigliano unlawfully reproduced Steele's sound recording. See Complaint, ¶ 207; Declaration at 4, ¶ 11.⁸ Nor does Ricigliano deny that Donato infringed Steele's sound recording. Id.

In fact, Ricigliano does not deny *anything* pertaining to Steele's *sound recording*, the work at issue in this case. See Complaint, ¶ 38; Declaration at 3-4. Indeed, Ricigliano does not once mention "sound recording" anywhere in his Declaration (except when quoting Steele's Complaint). See Declaration at 1-6.

On the contrary, Ricigliano denies reproducing – and all manner of relations with – Steele's *song*. Id. at 3-4. However, Steele's *song* is not at issue in this action; his *sound recording* is. See Complaint, ¶ 38. There is, of course, a clear legal distinction between a *song*, or musical work, and a *sound recording*. 17 U.S.C. § 102.

Ricigliano, a "well known" and "well-respected" musicologist according to defendants, obviously understands the legal distinction between a song and a sound recording. Ricigliano has "assisted in...court cases for numerous law firms" and "testified...in a variety of musical copyright disputes." See Declaration at 1. The deliberate language of Ricigliano's Declaration is not accidental in matters of music law: where he said *song* he meant song, and where he should have, but didn't, say *sound recording*, it is because he could not honestly say so.

⁸ As a conclusory preface to his specific factual and legal declarations, Ricigliano "categorically den[ies] each and every one of [Steele's] allegations." On the contrary, his denials of specific facts are made "[t]o the best of my knowledge," and "[t]o the best of my recollection," and "based on a search of my records" (saying nothing of his company's records). See Declaration at 3-4.

That Ricigliano was “particularly offended” by Steele’s Complaint – yet *did not deny any allegations regarding the work at issue* or even *mention* the work at issue - eviscerates his Declaration.

In sum, Ricigliano’s *Declaration* does not deny the following claims: Ricigliano worked for MLBAM - with Bon Jovi - to develop and ‘clear’ Bon Jovi’s “I Love This Town” soundtrack and the audiovisual “Turner Promo” or “TBS Promo;” in the process Ricigliano and Donato unlawfully reproduced Steele’s sound recording.

WHEREFORE, Steele respectfully requests that this Court deny Defendants’ Motion to Dismiss.

Dated: April 9, 2011

Respectfully submitted,
Plaintiff Samuel Bartley Steele,
by his counsel,

/s/Christopher A.D. Hunt
Christopher A.D. Hunt
MA BBO# 634808
THE HUNT LAW FIRM LLC
10 Heron Lane
Hopedale, MA 01747
(508) 966-7300
cadhunt@earthlink.net

CERTIFICATE OF SERVICE

I, Christopher A.D. Hunt, hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing and paper copies will be sent to those indicated as non-registered participants on April 9, 2011.

Dated: April 9, 2011

/s/ Christopher A.D. Hunt
Christopher A.D. Hunt

EXHIBIT A

THE HUNT LAW FIRM LLC

10 Heron Lane
Hopedale, MA 01747
(508) 966-7300
(508) 478-0595 (fax)
cadhunt@earthlink.net

VIA ELECTRONIC AND FIRST CLASS MAIL

March 21, 2011

Christopher G. Clark, Esq.
Skadden Arps Slate Meagher & Flom LLP
One Beacon Street
Boston, MA 02108-3194

Re: Steele v. Ricigliano, et al., No. 1:10-cv-11458-NMG (USDC MA)

Dear Mr. Clark:

I write to address several material inconsistencies in your filings in Steele v. Ricigliano, et al., No. 1:10-cv-11458-NMG ("Steele III"). Unfortunately, the inconsistencies appear to be intentional rather than mistakes. Accordingly, this is also to provide you with the notice and opportunity to correct said filings prior to my seeking Court intervention.

The Steele III filings in question pertain to (1) defendant Fenway Sports Group a/k/a FSG f/k/a New England Sports Enterprises LLC ("Fenway Sports Group a/k/a FSG") and (2) defendant New England Sports Enterprises, LLC f/d/b/a Fenway Sports Group f/a/k/a FSG ("NESE").¹

NESE

The Steele III Complaint names NESE as "New England Sports Enterprises LLC f/d/b/a Fenway Sports Group f/a/k/a FSG." On November 5, 2010, however, you appeared for "New England Sports Enterprises, LLC d/b/a Fenway Sports Group," a party not identified as such in Steele's Complaint.

While Steele identified NESE as *formerly* doing business as Fenway Sports Group, your appearance states that NESE is *presently* doing business as Fenway Sports Group. Your appearance did not claim misnomer. On November 10, 2010, you filed a second appearance on behalf of

¹ While this letter concerns Steele III, the issues raised herein are also common to Steele v. Boston Red Sox, et al. No. 10-03418 (Mass. Superior Court) ("Steele IV"), in which Fenway Sports Group a/k/a FSG and NESE are also defendants. Specifically, your Steele IV filings on behalf of those two defendants contain the same misrepresentations as in your Steele III filings. I addressed your Steele IV filings in my March 13, 2011 letter to Mr. Matule (copy attached).

THE HUNT LAW FIRM LLC

10 Heron Lane
Hopedale, MA 01747
(508) 966-7300
(508) 478-0595 (fax)
cadhunt@earthlink.net

NESE explicitly asserting that "Fenway Sports Group is a d/b/a of New England Sports Enterprises LLC."

Fenway Sports Group a/k/a FSG

The Steele III Complaint names Fenway Sports Group a/k/a FSG as "Fenway Sports Group a/k/a FSG f/k/a New England Sports Enterprises LLC." Steele's Complaint, in other words, asserts that Fenway Sports Group a/k/a FSG *is currently* known as FSG and *was formerly* known as NESE.

However, you failed to file an appearance on behalf of Fenway Sports Group a/k/a FSG and it was not part of the motion to dismiss on behalf of NESE (and other defendants), both filed on November 5, 2010. On November 10, 2010, in response to an e-mail from me indicating that Fenway Sports Group a/k/a FSG appeared to be in default, you entered an appearance for "Fenway Sports Group a/k/a FSG f/k/a New England Sports Enterprises LLC."²

Beyond its appearance, Fenway Sports Group a/k/a FSG has failed to substantively respond to Steele's Complaint and, accordingly, remains in default.

Two Defendants; Once Response

Steele specifically named, listed, and served *two* distinct defendants in Steele III (and Steele IV): Fenway Sports Group a/k/a FSG and NESE. Steele's Complaints clearly distinguish them by describing their former and present relationships to each other: Steele identifies NESE as *formerly* doing business as Fenway Sports Group a/k/a FSG and Fenway Sports Group a/k/a FSG as being *formerly* known as NESE. Steele identifies "Fenway Sports Group" as also known as "FSG."

Simply put, Steele unmistakably named Fenway Sports Group a/k/a FSG and NESE as *two* defendants, each *formerly* known as the other. Your filings, on the other hand, state that NESE is one and the same as Fenway Sports Group a/k/a FSG. By stating that NESE is *currently* doing business as Fenway Sports Group, and by failing to respond to Steele's complaints separately on behalf of Fenway Sports Group a/k/a FSG, you are representing that Fenway Sports Group a/k/a FSG either does not exist or is no more than NESE's current business name.

² The appearance - confusingly - also purported to be on behalf of NESE, for whom you had already appeared on November 5, 2010.

THE HUNT LAW FIRM LLC

10 Heron Lane
Hopedale, MA 01747
(508) 966-7300
(508) 478-0595 (fax)
cadhunt@earthlink.net

Without notice, good cause, or permission - without even a claim of misnomer - you are attempting to alter the identities and status of two defendants in both Steele III and IV, contrary to their unambiguous identification in Steele's Complaints.

Your unilaterally adopted nomenclature seeks to improperly remove a named, served, and active defendant, Fenway Sports Group a/k/a FSG, from the case by stating it is the same entity as NESE. Furthering this impression, Fenway Sports Group a/k/a FSG has failed to respond to Steele's Complaints, apparently under the assumption that your misidentification of NESE in its filings has removed Fenway Sports Group a/k/a FSG from the case and relieved it from its burden to respond to Steele's Complaint.

Fenway Sports Group a/k/a FSG, however, has neither sought nor received permission to ignore Steele's complaint.

Fenway Sports Group a/k/a FSG's Willful Default and Your Attempted Concealment Thereof

Fenway Sports Group a/k/a FSG's failure to respond to the Steele III and IV Complaints, in conjunction with NESE's unilateral name change claiming it *is*, in effect, Fenway Sports Group a/k/a FSG, appears an attempt to surreptitiously remove defendant Fenway Sports Group a/k/a FSG from Steele III and IV through extra-judicial means.

Significantly, your tactics here mirror those you employed in Steele I, in which defendants MLB Advanced Media, L.P. and Vector Management defaulted and concealed their defaults by having other entities appear in their stead. Here, you seek to have NESE - as re-defined by you - appear on behalf of NESE *and* Fenway Sports Group a/k/a FSG.

Exhibit A

Each of your memoranda in support of defendants' motions to dismiss Steele III and IV attach, as "Exhibit A," a chart purporting to list all of the defendants in each case. Numerically, each chart matches Steele's Complaints, i.e., listing a total of 26 defendants in Steele III and 18 in Steele IV.

If each chart accurately reflected your own substantive filings - which assert that Fenway Sports Group a/k/a FSG exists only as a d/b/a of NESE - they would come up one defendant short, i.e., 25 in Steele III (instead of 26) and 17 in Steele IV (instead of 18). To get around this you simply list one defendant twice. Steele did not sue, name, or serve "Major League Baseball Productions" because, based on your own filings in Steele I, it is a d/b/a of defendant Major League

THE HUNT LAW FIRM LLC

10 Heron Lane
Hopedale, MA 01747
(508) 966-7300
(508) 478-0595 (fax)
cadhunt@earthlink.net

Baseball Properties, Inc. ("MLBP"), which is how it is listed in Steele's Complaints. Nor have you appeared for any such entity apart from MLBP.

Nonetheless, each chart lists "Major League Baseball Productions" as a *separate* defendant from MLBP, thereby adding one name to each list, giving them numerical congruity with Steele's Complaints. Not insignificantly, the charts list defendants alphabetically - with the sole exception of non-defendant "Major League Baseball Productions."

The numerical parity issue "solved," your charts also conceal your attempts to improperly remove Fenway Sports Group a/k/a FSG from the case. Rather than omitting Fenway Sports Group a/k/a FSG - or listing it *with* NESE as a single defendant, either of which would accurately reflect your substantive filings - you omit NESE and list Fenway Sports Group a/k/a FSG individually.

It is worth noting that the two charts - one each for Steele III and IV - are far from identical, differing in format, layout, and number of columns, among other things (e.g., party nomenclature, center versus left-justified, titled versus untitled, numbered versus unnumbered rows, and some parties are listed as "disputed" in one chart but not the other).

In other words, the exhibits were independently created for each motion in each case, as opposed to being created once and then copied and attached to both motions. This is significant because - despite their differences - the exhibits contain identical misrepresentations: listing Major League Baseball Productions as a defendant (out of alphabetical order), omitting NESE, and listing Fenway Sports Group a/k/a FSG. Each of these representations is directly contradicted by your own substantive filings. That two otherwise different charts in two separate cases contain identical "misstatements" - which happen to conceal Fenway Sports Group a/k/a FSG's default in each case - strongly indicates intent to deceive rather than inadvertence.

The Record

In closing, the Steele III Court record contains misrepresentations in several of your filings, as detailed above. In addition, I note that the misrepresentations extend to filings ostensibly on behalf of Fenway Sports Group a/k/a FSG, including its appearance and corporate disclosure statement. The similarity of irregular and misrepresentative filings - however tedious to uncover - establish your acts as intentional, and are consistent with your prior furtive and willful defaults in Steele I.

I will allow one week - until March 28, 2008 - for you to voluntarily take appropriate steps to correct the record. I expect all filings to be corrected so as to reflect reality and be consistent with each other and with Steele's Complaint. This includes, but is not limited to, filing accurate

THE HUNT LAW FIRM LLC

10 Heron Lane
Hopedale, MA 01747
(508) 966-7300
(508) 478-0595 (fax)
cadhunt@earthlink.net

appearances and, in particular, accurate corporate disclosure statements on behalf of Fenway Sports Group a/k/a FSG and NESE.

Failing that, I will seek the Court's intervention.

Thank you for your attention to this matter.

Very truly yours,



Christopher A.D. Hunt

cc: Clifford Sloan, Esq. (via e-mail only)
Kenneth Plevan, Esq. (via e-mail only)
Scott D. Brown, Esq. (via e-mail only)
Matthew J. Matule, Esq. (via e-mail only)

THE HUNT LAW FIRM LLC

10 Heron Lane
Hopedale, MA 01747
(508) 966-7300
(508) 478-0595 (fax)
cadhunt@earthlink.net

VIA ELECTRONIC AND FIRST CLASS MAIL

March 13, 2011

Matthew J. Matule, Esq.
Skadden Arps Slate Meagher & Flom LLP
One Beacon Street
Boston, MA 02108-3194

Re: Steele v. Boston Red Sox, et al. No. 10-03418 (Mass. Superior Court)

Dear Mr. Matule:

I write to address confusion created by your filings in this case, particularly pertaining to the purported "18 defendants" on whose behalf your motion to dismiss was ostensibly filed. First, you have, it seems, attempted to merge two defendants into one, leaving one of the two in default. Second, it appears you are trying to conceal the defaulting defendant by, among other things, referencing "18 defendants" in Defendants' Memorandum in Support of its Motion to Dismiss when, in fact, only 17 defendants have appeared and moved for dismissal.

1. Fenway Sports Group a/k/a FSG f/k/a New England Sports Enterprises, LLC

As you know, Steele's Complaint named, and copies of the Complaint and summonses were served upon, among others, two distinct entities: (1) Fenway Sports Group a/k/a FSG f/k/a New England Sports Enterprises, LLC ("Fenway Sports Group a/k/a FSG") and (2) New England Sports Enterprises, LLC f/d/b/a Fenway Sports Group f/a/k/a FSG ("NESE").

However, only one of the two - NESE - has appeared and moved to dismiss. Fenway Sports Group a/k/a FSG has neither appeared nor moved to dismiss and, accordingly, appears to be in default.

Despite the failure of Fenway Sports Group a/k/a FSG (or any similarly named entity) to appear or respond, you filed a corporate disclosure statement on behalf of an entity you call "Defendant Fenway Sports Group," which states it "is a d/b/a of New England Sports Enterprises LLC." You state that this is "reflected in" a seven year-old Boston City Clerk document attached to its corporate disclosure form. Apart from its corporate disclosure form, "Fenway Sports Group" filed no appearance, motion, or other papers. See SJC Rule 1:21(b)(ii) (corporate disclosure must be filed with the party's "first appearance, pleading, petition, motion, response or other request. A copy of the statement must also be filed with each contested motion.")

THE HUNT LAW FIRM LLC

10 Heron Lane
Hopedale, MA 01747
(508) 966-7300
(508) 478-0595 (fax)
cadhunt@earthlink.net

In addition, the corporate disclosure form's assertion that "Fenway Sports Group... *is* a d/b/a of [NESE]" is inconsistent with - and does not respond to - Steele's Complaint, which states that Fenway Sports Group a/k/a FSG *was* formerly known as NESE but is *now* known as "FSG." The corporate disclosure statement, in fact, fails to mention "FSG" at all.

My client's intentions are crystal clear and he has sued and served the entity that (1) operates or has operated as "Fenway Sports Group" *and/or* "FSG," the "sports marketing agency" established by Red Sox owners in March 2004, which (2) represents itself as "Fenway Sports Group (FSG)" on its website, <http://fenwaysportsgroup.com/> (at the "About Us" tab), and (3) which is located at 82 Brookline Avenue, Boston, Massachusetts 02215 (at the "Contact Us" tab), where it was properly served with process.

The above website nowhere references NESE. My client sued and served NESE *in addition* to Fenway Sports Group a/k/a FSG.

It appears that you are representing to the Court that defendant Fenway Sports Group a/k/a FSG was and is nothing more than a d/b/a of defendant NESE, i.e., that they were and are one and the same defendant. However, the manner in which NESE has attempted to appear and defend for both itself *and* defendant Fenway Sports Group a/k/a FSG has been - and remains - confusing and vague, and, by all appearances, intentionally so.

First, the properly served defendant Fenway Sports Group a/k/a FSG's failed to respond to the summons and complaint. Second, your appearances and motion papers unilaterally altered Steele's Complaint's specific nomenclature for both NESE *and* Fenway Sports Group a/k/a FSG, but without explicitly asserting misnomer or, as you have in the past, "misidentification," as to either defendant. Third, you filed a corporate disclosure form for a "Fenway Sports Group" in a vacuum, given that no such entity has appeared or otherwise responded to Steele's Complaint.

While am loath to jump to conclusions as to your intentions, your conduct in Steele I, particularly your unilateral substitution of an unnamed and unserved entity for a properly named and served defendant in order to conceal the latter's willful default - disturbingly similar to what you seem to be attempting here - my client and I are simply unwilling to give you or your clients the benefit of the doubt. Moreover, there are serious additional inconsistencies in your Court-filed papers, explained below, that lead me to believe you are attempting to conceal and/or remove defendant Fenway Sports Group a/k/a FSG from this litigation through improper means, similar to your illicit removal of MLBAM and Vector Management from Steele I.

THE HUNT LAW FIRM LLC

10 Heron Lane
Hopedale, MA 01747
(508) 966-7300
(508) 478-0595 (fax)
cadhunt@earthlink.net

2. Your Reference to the "18 Defendants" in Defendants' Motion Papers is a Deception Designed to Conceal Fenway Sports Group a/k/a FSG's Default; Only 17 Defendants Have Appeared and Moved to Dismiss

Steele sued 18 defendants; they are clearly listed in the caption and body of his Complaint. One of those defendants is Fenway Sports Group a/k/a FSG.

Defendants' Notice of Appearance, Notice of Defendants' Motion to Dismiss, and Defendants' Motion to Dismiss each lists the same 17 defendants, omitting Fenway Sports Group a/k/a FSG. Your semantic merger of two defendants - Fenway Sports Group a/k/a FSG and NESE - into a single "New England Sports Enterprises, LLC d/b/a Fenway Sports Group," a name that appears nowhere in Steele's complaint, seems a clumsy attempt to hide Fenway Sports Group a/k/a FSG behind NESE and conceal Fenway Sports Group a/k/a FSG's de facto default.

Your paper containing defendants' substantive arguments - Defendants' Memorandum in Support of their Motion to Dismiss ("Defendants' Memorandum") - which, for obvious reasons, will receive the most attention from the Court, however, *does not similarly list each of the moving defendants*. Instead Defendants' Memorandum states only that "all defendants" move to dismiss.

To add to the confusion – or deception - Defendants' Memorandum, on pages one and five, references "18 defendants" in the case, despite your Notice of Appearance and Motion to Dismiss being filed on behalf of only 17 defendants. Your references to the "18 defendants" gives the false impression that each of the 18 defendants named in Steele's caption and complaint have appeared and are seeking dismissal when, in fact, one - Fenway Sports Group a/k/a FSG - has yet to do either.

Finally, and appearing to dispel any doubts that you are, once again, engaging in deceptive behavior designed to improperly conceal a party from Steele and the Court, Exhibit A to Defendants' Memorandum - referenced on page 6 thereof - lists 18 entities as defendants in this case, again superficially appearing to conform to the 18 defendants listed in Steele's caption and complaint.

However, a closer look reveals that one of the "defendants" in Exhibit A is "Major League Baseball Productions," which Steele sued as a d/b/a of the already-listed defendant Major League Baseball Properties, Inc. ("MLBP"). Accordingly, one defendant, MLBP, is listed twice while at the same time two defendants, Fenway Sports Group a/k/a FSG and NESE, are merged and listed as one defendant. In this manner you contrive – and present – outward, but false, symmetry between

THE HUNT LAW FIRM LLC

10 Heron Lane
Hopedale, MA 01747
(508) 966-7300
(508) 478-0595 (fax)
cadhunt@earthlink.net

Steele's Complaint and your motion papers, each "side" listing 18 "defendants," while in reality one defendant, Fenway Sports Group a/k/a FSG, hides behind NESE and has its counsel plays word games to conceal its willful default.¹

In closing, I allow defendant Fenway Sports Group a/k/a FSG until March 28, 2011 to respond – fully, truthfully, and in accordance with the law – to Steele's Complaint. If Fenway Sports Group a/k/a FSG fails to respond by that date, I will move for entry of default and other relief, including costs and/or sanctions, where warranted.

Thank you for your attention to this matter.

Very truly yours,



Christopher A.D. Hunt

cc: Clifford Sloan, Esq. (via e-mail only)
Kenneth Plevan, Esq. (via e-mail only)
Scott D. Brown, Esq. (via e-mail only)
Christopher G. Clark, Esq. (via e-mail only)

¹Significantly adding to the confusion, Exhibit A omits NESE but *does* list Fenway Sports Group a/k/a FSG as a defendant, which is inconsistent with both entities' purported corporate disclosure statements, Defendants' Notice of Appearance, and Defendants' Motion to Dismiss. Exhibit A is, in fact, defendants' only document correctly identifying "Fenway Sports Group a/k/a FSG f/k/a New England Sports Enterprises, Inc." as a defendant.

EXHIBIT B

THE HUNT LAW FIRM LLC

10 Heron Lane
Hopedale, MA 01747
(508) 966-7300
(508) 478-0595 (fax)
cadhunt@earthlink.net

VIA ELECTRONIC AND FIRST CLASS MAIL

March 28, 2011

Matthew J. Matule, Esq.
Skadden Arps Slate Meagher & Flom LLP
One Beacon Street
Boston, MA 02108-3194

Re: Steele v. Ricigliano, et al. No. 10-11458 (USDC MA) (Steele III) _____

Dear Mr. Matule:

This will address your March 25, 2011-filed corporate disclosure statements on behalf of Fenway Sports Group a/k/a FSG f/k/a New England Sports Enterprises, LLC ("Fenway Sports Group a/k/a FSG") and New England Sports Enterprises, LLC f/d/b/a Fenway Sports Group f/a/k/a FSG ("NESE"), and the accompanying motion to dismiss on behalf of Fenway Sports Group a/k/a FSG.

While Fenway Sports Group a/k/a FSG's motion to dismiss may serve as a response of a defendant to Steele's Complaint, the corporate disclosure statements of Fenway Sports Group a/k/a FSG and NESE fail to address the very serious issues raised in my March 21, 2011 letter. In fact, the corporate disclosure statements - the second and third filed on behalf of Fenway Sports Group a/k/a FSG and NESE, respectively, in this case so far raise more questions than they ostensibly sought to answer.

First, your March 25, 2011 corporate disclosure statement of Fenway Sports Group a/k/a FSG is self-contradictory. While it now conforms to Steele's Complaint insofar as it states that Fenway Sports Group a/k/a FSG was *formerly* known as NESE (and NESE *formerly* did business as Fenway Sports Group a/k/a FSG), the same sentence also declares that Fenway Sports Group a/k/a FSG *is* a d/b/a of NESE.

Second, the Fenway Sports Group a/k/a FSG corporate disclosure form fails to disclose Fenway Sports Group a/k/a FSG's corporate parent. You continue to assert that Fenway Sports Group a/k/a FSG is currently the business name of NESE as "reflected" in an attached 2004 Boston City Clerk document. The 2004 document, however, fails to "reflect" anything about Fenway Sports Group a/k/a FSG's current corporate ownership - failing to even reference "FSG."

THE HUNT LAW FIRM LLC

10 Heron Lane
Hopedale, MA 01747
(508) 966-7300
(508) 478-0595 (fax)
cadhunt@earthlink.net

The rules do not require - or allow for - "reflections" when disclosing corporate ownership. That the "reflection" – a proffered “written proof” of sorts - is a seven year-old City of Boston d/b/a registration document rather than something more current and more *definitive* undermines rather than strengthens the statement’s credibility.

Third, your use of quotation marks around the names of the defendants (Fenway Sports Group a/k/a FSG and NESE) - in statements purporting to clearly disclose their corporate ownership to the Court - is obviously an attempt to convey or qualify *something*, but you never say *what*. That leaves Steele and the Court guessing. Any meaning you intended to impart with the quotations should be explicitly stated.

Fourth, according to a press release issued March 22, 2011, three days before your most recent corporate disclosures, FSG is now doing business as "Fenway Sports Management," or "FSM," and New England Sports Ventures ("NESV") - owner of NESE and FSM (f/k/a FSG) - is now doing business as "Fenway Sports Group." The press release further states that NESV has been using the name "Fenway Sports Group" informally over the last few months.

It appears, therefore, that “FSG” and “Fenway Sports Group” are – and have been- two distinct operating business entities, not merely a business name used by defendant NESE. In fact, parent company NESV is rebranding itself as “Fenway Sports Group” and “FSG” is rebranded “FSM.”

None of the corporate disclosure statements filed thus far, including those filed three days after the above press release, discloses defendants' corporate restructuring and renaming. In fact, at this point the myriad corporate disclosure statements on record are (1) inconsistent with Steele's Complaint, (2) internally inconsistent, and most significantly (3) inconsistent with the facts.

Finally, I note that you have taken no steps to correct the record with respect to the misleading language in your motion to dismiss and the attached Exhibit A, upon which it relies.

At this point it is clear you will not clean-up a record you worked so hard to create. I have no other choice but to direct the Court’s attention to your filings at the earliest possible opportunity.

THE HUNT LAW FIRM LLC

10 Heron Lane
Hopedale, MA 01747
(508) 966-7300
(508) 478-0595 (fax)
cadhunt@earthlink.net

Thank you for your attention to this matter.

Very truly yours,



Christopher A.D. Hunt

cc: Clifford Sloan, Esq. (via e-mail only)
Kenneth Plevan, Esq. (via e-mail only)
Scott D. Brown, Esq. (via e-mail only)
Christopher G. Clark, Esq. (via e-mail only)

EXHIBIT C

THE HUNT LAW FIRM LLC

10 Heron Lane
Hopedale, MA 01747
(508) 966-7300
(508) 478-0595 (fax)
cadhunt@earthlink.net

VIA ELECTRONIC AND FIRST CLASS MAIL

March 13, 2011

Matthew J. Matule, Esq.
Skadden Arps Slate Meagher & Flom LLP
One Beacon Street
Boston, MA 02108-3194

Re: Steele v. Boston Red Sox, et al. No. 10-03418 (Mass. Superior Court)

Dear Mr. Matule:

I write to address confusion created by your filings in this case, particularly pertaining to the purported "18 defendants" on whose behalf your motion to dismiss was ostensibly filed. First, you have, it seems, attempted to merge two defendants into one, leaving one of the two in default. Second, it appears you are trying to conceal the defaulting defendant by, among other things, referencing "18 defendants" in Defendants' Memorandum in Support of its Motion to Dismiss when, in fact, only 17 defendants have appeared and moved for dismissal.

1. Fenway Sports Group a/k/a FSG f/k/a New England Sports Enterprises, LLC

As you know, Steele's Complaint named, and copies of the Complaint and summonses were served upon, among others, two distinct entities: (1) Fenway Sports Group a/k/a FSG f/k/a New England Sports Enterprises, LLC ("Fenway Sports Group a/k/a FSG") and (2) New England Sports Enterprises, LLC f/d/b/a Fenway Sports Group f/a/k/a FSG ("NESE").

However, only one of the two - NESE - has appeared and moved to dismiss. Fenway Sports Group a/k/a FSG has neither appeared nor moved to dismiss and, accordingly, appears to be in default.

Despite the failure of Fenway Sports Group a/k/a FSG (or any similarly named entity) to appear or respond, you filed a corporate disclosure statement on behalf of an entity you call "Defendant Fenway Sports Group," which states it "is a d/b/a of New England Sports Enterprises LLC." You state that this is "reflected in" a seven year-old Boston City Clerk document attached to its corporate disclosure form. Apart from its corporate disclosure form, "Fenway Sports Group" filed no appearance, motion, or other papers. See SJC Rule 1:21(b)(ii) (corporate disclosure must be filed with the party's "first appearance, pleading, petition, motion, response or other request. A copy of the statement must also be filed with each contested motion.")

THE HUNT LAW FIRM LLC

10 Heron Lane
Hopedale, MA 01747
(508) 966-7300
(508) 478-0595 (fax)
cadhunt@earthlink.net

In addition, the corporate disclosure form's assertion that "Fenway Sports Group... *is* a d/b/a of [NESE]" is inconsistent with - and does not respond to - Steele's Complaint, which states that Fenway Sports Group a/k/a FSG *was* formerly known as NESE but is *now* known as "FSG." The corporate disclosure statement, in fact, fails to mention "FSG" at all.

My client's intentions are crystal clear and he has sued and served the entity that (1) operates or has operated as "Fenway Sports Group" *and/or* "FSG," the "sports marketing agency" established by Red Sox owners in March 2004, which (2) represents itself as "Fenway Sports Group (FSG)" on its website, <http://fenwaysportsgroup.com/> (at the "About Us" tab), and (3) which is located at 82 Brookline Avenue, Boston, Massachusetts 02215 (at the "Contact Us" tab), where it was properly served with process.

The above website nowhere references NESE. My client sued and served NESE *in addition* to Fenway Sports Group a/k/a FSG.

It appears that you are representing to the Court that defendant Fenway Sports Group a/k/a FSG was and is nothing more than a d/b/a of defendant NESE, i.e., that they were and are one and the same defendant. However, the manner in which NESE has attempted to appear and defend for both itself *and* defendant Fenway Sports Group a/k/a FSG has been - and remains - confusing and vague, and, by all appearances, intentionally so.

First, the properly served defendant Fenway Sports Group a/k/a FSG's failed to respond to the summons and complaint. Second, your appearances and motion papers unilaterally altered Steele's Complaint's specific nomenclature for both NESE *and* Fenway Sports Group a/k/a FSG, but without explicitly asserting misnomer or, as you have in the past, "misidentification," as to either defendant. Third, you filed a corporate disclosure form for a "Fenway Sports Group" in a vacuum, given that no such entity has appeared or otherwise responded to Steele's Complaint.

While am loath to jump to conclusions as to your intentions, your conduct in Steele I, particularly your unilateral substitution of an unnamed and unserved entity for a properly named and served defendant in order to conceal the latter's willful default - disturbingly similar to what you seem to be attempting here - my client and I are simply unwilling to give you or your clients the benefit of the doubt. Moreover, there are serious additional inconsistencies in your Court-filed papers, explained below, that lead me to believe you are attempting to conceal and/or remove defendant Fenway Sports Group a/k/a FSG from this litigation through improper means, similar to your illicit removal of MLBAM and Vector Management from Steele I.

THE HUNT LAW FIRM LLC

10 Heron Lane
Hopedale, MA 01747
(508) 966-7300
(508) 478-0595 (fax)
cadhunt@earthlink.net

2. Your Reference to the "18 Defendants" in Defendants' Motion Papers is a Deception Designed to Conceal Fenway Sports Group a/k/a FSG's Default; Only 17 Defendants Have Appeared and Moved to Dismiss

Steele sued 18 defendants; they are clearly listed in the caption and body of his Complaint. One of those defendants is Fenway Sports Group a/k/a FSG.

Defendants' Notice of Appearance, Notice of Defendants' Motion to Dismiss, and Defendants' Motion to Dismiss each lists the same 17 defendants, omitting Fenway Sports Group a/k/a FSG. Your semantic merger of two defendants - Fenway Sports Group a/k/a FSG and NESE - into a single "New England Sports Enterprises, LLC d/b/a Fenway Sports Group," a name that appears nowhere in Steele's complaint, seems a clumsy attempt to hide Fenway Sports Group a/k/a FSG behind NESE and conceal Fenway Sports Group a/k/a FSG's de facto default.

Your paper containing defendants' substantive arguments - Defendants' Memorandum in Support of their Motion to Dismiss ("Defendants' Memorandum") - which, for obvious reasons, will receive the most attention from the Court, however, *does not similarly list each of the moving defendants*. Instead Defendants' Memorandum states only that "all defendants" move to dismiss.

To add to the confusion – or deception - Defendants' Memorandum, on pages one and five, references "18 defendants" in the case, despite your Notice of Appearance and Motion to Dismiss being filed on behalf of only 17 defendants. Your references to the "18 defendants" gives the false impression that each of the 18 defendants named in Steele's caption and complaint have appeared and are seeking dismissal when, in fact, one - Fenway Sports Group a/k/a FSG - has yet to do either.

Finally, and appearing to dispel any doubts that you are, once again, engaging in deceptive behavior designed to improperly conceal a party from Steele and the Court, Exhibit A to Defendants' Memorandum - referenced on page 6 thereof - lists 18 entities as defendants in this case, again superficially appearing to conform to the 18 defendants listed in Steele's caption and complaint.

However, a closer look reveals that one of the "defendants" in Exhibit A is "Major League Baseball Productions," which Steele sued as a d/b/a of the already-listed defendant Major League Baseball Properties, Inc. ("MLBP"). Accordingly, one defendant, MLBP, is listed twice while at the same time two defendants, Fenway Sports Group a/k/a FSG and NESE, are merged and listed as one defendant. In this manner you contrive – and present – outward, but false, symmetry between

THE HUNT LAW FIRM LLC

10 Heron Lane
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(508) 966-7300
(508) 478-0595 (fax)
cadhunt@earthlink.net

Steele's Complaint and your motion papers, each "side" listing 18 "defendants," while in reality one defendant, Fenway Sports Group a/k/a FSG, hides behind NESE and has its counsel plays word games to conceal its willful default.¹

In closing, I allow defendant Fenway Sports Group a/k/a FSG until March 28, 2011 to respond – fully, truthfully, and in accordance with the law – to Steele's Complaint. If Fenway Sports Group a/k/a FSG fails to respond by that date, I will move for entry of default and other relief, including costs and/or sanctions, where warranted.

Thank you for your attention to this matter.

Very truly yours,



Christopher A.D. Hunt

cc: Clifford Sloan, Esq. (via e-mail only)
Kenneth Plevan, Esq. (via e-mail only)
Scott D. Brown, Esq. (via e-mail only)
Christopher G. Clark, Esq. (via e-mail only)

¹Significantly adding to the confusion, Exhibit A omits NESE but *does* list Fenway Sports Group a/k/a FSG as a defendant, which is inconsistent with both entities' purported corporate disclosure statements, Defendants' Notice of Appearance, and Defendants' Motion to Dismiss. Exhibit A is, in fact, defendants' only document correctly identifying "Fenway Sports Group a/k/a FSG f/k/a New England Sports Enterprises, Inc." as a defendant.

EXHIBIT D

**United States District Court
District of Massachusetts (Boston)
CIVIL DOCKET FOR CASE #: 1:10-cv-11458-NMG**

Steele v. Ricigliano et al
Assigned to: Judge Nathaniel M. Gorton
related Case: [1:08-cv-11727-NMG](#)
Cause: 17:101 Copyright Infringement

Date Filed: 08/25/2010
Jury Demand: Plaintiff
Nature of Suit: 820 Copyright
Jurisdiction: Federal Question

Plaintiff

Samuel Bartley Steele

represented by **Christopher A.D. Hunt**
The Hunt Law Firm LLC
10 Heron Lane
Hopedale, MA 01747
508-966-7300
Email: cadhunt@earthlink.net
ATTORNEY TO BE NOTICED

V.

Defendant

Anthony Ricigliano

represented by **Christopher G. Clark**
Skadden, Arps, Slate, Meagher & Flom
LLP
One Beacon Street
31st Floor
Boston, MA 02108
617-573-4800
Email: cclark@skadden.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Matthew J. Matule
Skadden, Arps, Slate, Meagher & Flom
LLP
One Beacon Street
Boston, MA 02108
617-573-4887
Fax: 617-573-4822
Email: mmatule@skadden.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Kenneth A. Plevan
Skadden, Arps, Slate, Meagher & Flom
Four Times Square
New York, NY 10036
212-735-3000
Email: kplevan@skadden.com
PRO HAC VICE
ATTORNEY TO BE NOTICED

Defendant

Boston Red Sox Baseball Club Limited Partnership

represented by **Christopher G. Clark**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Matthew J. Matule
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Kenneth A. Plevan
Skadden, Arps, Slate, Meagher & Flom
Four Times Square
New York, NY 10036
212 735-3000
Email: kplevan@skadden.com
PRO HAC VICE
ATTORNEY TO BE NOTICED

Defendant

Brett Langefels

represented by **Christopher G. Clark**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Matthew J. Matule
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Kenneth A. Plevan
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Defendant

John Bongiovi
doing business as
Bon Jovi Publishing

represented by **Christopher G. Clark**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Matthew J. Matule
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Kenneth A. Plevan
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Defendant

John W. Henry

represented by **Christopher G. Clark**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Matthew J. Matule
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Kenneth A. Plevan
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Defendant

Major League Baseball Properties, Inc.
also known as
Major League Baseball Productions

represented by **Christopher G. Clark**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Matthew J. Matule
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Kenneth A. Plevan
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Defendant

Richard Sambora
doing business as
Aggressive Music

represented by **Christopher G. Clark**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Matthew J. Matule
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Kenneth A. Plevan
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Defendant

Time Warner Inc.,

represented by **Christopher G. Clark**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Matthew J. Matule
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Kenneth A. Plevan
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Defendant

Turner Sports inc.

represented by **Christopher G. Clark**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Matthew J. Matule
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Kenneth A. Plevan
(See above for address)
PRO HAC VICE

ATTORNEY TO BE NOTICED

Defendant

Turner Studios Inc.

represented by **Christopher G. Clark**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Matthew J. Matule
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Kenneth A. Plevan
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Defendant

Vector Management LLC
also known as
Successor in Interest to Vector
Management

represented by **Christopher G. Clark**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Matthew J. Matule
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Michael R. Hackett
Proskauer Rose, LLP
22nd Floor
One International Place
Boston, MA 02110
617-526-9723
Fax: 617-526-9899
Email: mhackett@proskauer.com
TERMINATED: 11/17/2010
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Kenneth A. Plevan
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Defendant

William Falcon
doing business as
Pretty Blue Songs

represented by **Christopher G. Clark**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Matthew J. Matule
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Kenneth A. Plevan
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Defendant

Bob Bowman

represented by **Christopher G. Clark**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Matthew J. Matule
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Kenneth A. Plevan
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Defendant

Craig Barry

represented by **Christopher G. Clark**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Matthew J. Matule
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Kenneth A. Plevan
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Defendant

Donato Music Services, Inc.

represented by **Christopher G. Clark**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Matthew J. Matule
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Kenneth A. Plevan
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Defendant

Fenway Sports Group

also known as

FSG

formerly known as

New England Sports Enterprises LLC

represented by **Christopher G. Clark**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Matthew J. Matule
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Kenneth A. Plevan
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Defendant

Jack Rovner

represented by **Christopher G. Clark**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Matthew J. Matule
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Michael R. Hackett
(See above for address)
TERMINATED: 11/17/2010

*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Kenneth A. Plevan
(See above for address)
*PRO HAC VICE
ATTORNEY TO BE NOTICED*

Defendant

Jay Rourke

represented by **Christopher G. Clark**
(See above for address)
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Matthew J. Matule
(See above for address)
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Kenneth A. Plevan
(See above for address)
*PRO HAC VICE
ATTORNEY TO BE NOTICED*

Defendant

Lawrence Lucchino

represented by **Christopher G. Clark**
(See above for address)
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Matthew J. Matule
(See above for address)
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Kenneth A. Plevan
(See above for address)
*PRO HAC VICE
ATTORNEY TO BE NOTICED*

Defendant

**Major League Baseball Advanced
Media, L.P.**

represented by **Christopher G. Clark**
(See above for address)
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Matthew J. Matule

(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Kenneth A. Plevan
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Defendant

Mark Shimmel
doing business as
Mark Shimmel Music

represented by **Christopher G. Clark**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Matthew J. Matule
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Kenneth A. Plevan
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Defendant

Mike Dee

represented by **Christopher G. Clark**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Matthew J. Matule
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Kenneth A. Plevan
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Defendant

New England Sports Enterprises, Inc.
formerly doing business as
Fenway Sports Group
also known as
FSG

represented by **Christopher G. Clark**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Matthew J. Matule
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Kenneth A. Plevan
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Defendant

Sam Kennedy

represented by **Christopher G. Clark**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Matthew J. Matule
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Kenneth A. Plevan
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Defendant

Thomas G. Werner

represented by **Christopher G. Clark**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Matthew J. Matule
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Kenneth A. Plevan
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Defendant

Turner Broadcasting System Inc.

represented by **Christopher G. Clark**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Matthew J. Matule
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Kenneth A. Plevan
 (See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
08/25/2010	1	COMPLAINT against All Defendants (Fee Status: IFP requested), filed by Samuel Bartley Steele. (Attachments: # 1 Exhibit EXHIBITS 1-7, # 2 Civil Cover Sheet, # 3 Category Form, # 4 Request to Proceed In Forma Pauperis (with affidavit))(Hunt, Christopher) (Entered: 08/25/2010)
08/25/2010	2	MOTION for Leave to Proceed in forma pauperis by Samuel Bartley Steele.(Danieli, Chris) (Entered: 08/25/2010)
08/25/2010		ELECTRONIC NOTICE of Case Assignment. Judge Nathaniel M. Gorton assigned to case. If the trial Judge issues an Order of Reference of any matter in this case to a Magistrate Judge, the matter will be transmitted to Magistrate Judge Leo T. Sorokin. (Danieli, Chris) (Entered: 08/25/2010)
09/01/2010	3	NOTICE of Appearance by Matthew J. Matule on behalf of Boston Red Sox Baseball Club Limited Partnership, Turner Broadcasting System Inc. (Matule, Matthew) (Entered: 09/01/2010)
09/01/2010	4	NOTICE of Appearance by Christopher G. Clark on behalf of Boston Red Sox Baseball Club Limited Partnership, Turner Broadcasting System Inc. (Clark, Christopher) (Entered: 09/01/2010)
09/01/2010	5	CORPORATE DISCLOSURE STATEMENT by Turner Broadcasting System Inc.. (Matule, Matthew) (Entered: 09/01/2010)
09/01/2010	6	CORPORATE DISCLOSURE STATEMENT by Boston Red Sox Baseball Club Limited Partnership. (Matule, Matthew) (Entered: 09/01/2010)
09/01/2010	7	MOTION to Dismiss <i>And For Other Relief</i> by Boston Red Sox Baseball Club Limited Partnership, Turner Broadcasting System Inc..(Matule, Matthew) (Entered: 09/01/2010)
09/01/2010	8	MEMORANDUM in Support re 7 MOTION to Dismiss <i>And For Other Relief And In Opposition To</i> 2 MOTION for Leave to Proceed In Forma Pauperis filed by Boston Red Sox Baseball Club Limited Partnership, Turner Broadcasting System Inc.. (Attachments: # 1 Exhibit A, # 2 Exhibit B)(Matule, Matthew) (Entered: 09/01/2010)
09/01/2010	9	DECLARATION re 7 MOTION to Dismiss <i>And For Other Relief (Declaration Of</i>

		<i>Anthony Ricigliano</i>) by Boston Red Sox Baseball Club Limited Partnership, Turner Broadcasting System Inc.. (Matule, Matthew) (Entered: 09/01/2010)
09/13/2010	10	First MOTION for Extension of Time to 9/22/2010 to File <i>Opposition to Moving Parties' Motion to Dismiss</i> by Samuel Bartley Steele. (Attachments: # 1 Memorandum in Support of Steele's Motion for Extension of Time to Oppose Moving Parties' Motion to Dismiss)(Hunt, Christopher) (Entered: 09/13/2010)
09/14/2010	11	Opposition re 10 First MOTION for Extension of Time to 9/22/2010 to File <i>Opposition to Moving Parties' Motion to Dismiss</i> filed by Boston Red Sox Baseball Club Limited Partnership, Turner Broadcasting System Inc.. (Attachments: # 1 Exhibit A)(Matule, Matthew) (Entered: 09/14/2010)
09/14/2010	13	Judge Nathaniel M. Gorton: MEMORANDUM AND ORDER entered granting 2 Motion for Leave to Proceed in forma pauperis. The Clerk shall issue summonses; and the Clerk shall send the summonses, Complaint, and this Memorandum and Order to the Plaintiff, who must thereafter serve the Defendants in accordance with Federal Rule of Civil Procedure 4(m). The Plaintiff may elect to have service made by the United States Marshal. If directed by the Plaintiff to do so, the United States Marshal shall serve the summonses, Complaint, and this Order upon the Defendants, in the manner directed by the Plaintiff, with all costs of service to be advanced by the United States Marshal Service. Notwithstanding Fed. R. Civ. P. 4(m) and Local Rule 4.1, the Plaintiff shall have 120 days from the date of this Order to complete service. (PSSA, 1) (Entered: 09/15/2010)
09/15/2010	12	MOTION for Leave to Appear Pro Hac Vice for admission of Kenneth A. Plevan by Boston Red Sox Baseball Club Limited Partnership, Turner Broadcasting System Inc., filing fee paid \$50.00 receipt# 0101-3066504 (Attachments: # 1 Exhibit A)(Matule, Matthew) Modified on 9/15/2010 to add the filing fee information.(Jones, Sherry). (Entered: 09/15/2010)
09/15/2010		Judge Nathaniel M. Gorton: ELECTRONIC ORDER entered granting 12 Motion for Leave to Appear Pro Hac Vice Added Kenneth A. Plevan. Attorneys admitted Pro Hac Vice must register for electronic filing. To register go to the Court website at www.mad.uscourts.gov. Select Case Information, then Electronic Filing (CM/ECF) and go to the CM/ECF Registration Form. (Abaid, Kimberly) (Entered: 09/15/2010)
09/15/2010		Summons Issued as to Craig Barry, John Bongiovi, Boston Red Sox Baseball Club Limited Partnership, Bob Bowman, Mike Dee, Donato Music Services, Inc., William Falcon, Fenway Sports Group, John W. Henry, Sam Kennedy, Brett Langefels, Lawrence Lucchino, Major League Baseball Advanced Media, L.P., Major League Baseball Properties, Inc., New England Sports Enterprises, Inc., Anthony Ricigliano, Jay Rourke, Jack Rovner, Richard Sambora, Mark Shimmel, Time Warner Inc., Turner Broadcasting System Inc., Turner Sports inc., Turner Studios Inc., Vector Management LLC, Thomas G. Werner. (PSSA, 1)[Remark: summonses manually prepared, manually signed and sealed, sent to plaintiffs counsel along with USM 285 forms, copy of Complaint, docket sheet, standard instructions/notices, and IFP Order]. (Entered: 09/15/2010)

09/16/2010	14	NOTICE by Boston Red Sox Baseball Club Limited Partnership, Turner Broadcasting System Inc. <i>Of Recent Activity Providing Supplemental Grounds To Oppose 10 First MOTION for Extension of Time to 9/22/2010 to File Opposition to Moving Parties' Motion to Dismiss</i> (Attachments: # 1 Exhibit A)(Matule, Matthew) (Entered: 09/16/2010)
09/17/2010	15	Response by Samuel Bartley Steele <i>to Notice of Recent Activity (Docket Entry 14)</i> . (Hunt, Christopher) (Entered: 09/17/2010)
09/20/2010	16	Opposition re 7 MOTION to Dismiss <i>And For Other Relief</i> filed by Samuel Bartley Steele. (Attachments: # 1 Exhibit 1, # 2 Exhibit 2)(Hunt, Christopher) (Entered: 09/20/2010)
09/24/2010	17	Assented to MOTION for Leave to File <i>Reply Memorandum Of Law In Further Support Of The Moving Defendants' Motion To Dismiss And For Other Relief</i> by Boston Red Sox Baseball Club Limited Partnership, Turner Broadcasting System Inc.. (Attachments: # 1 Exhibit A)(Matule, Matthew) (Entered: 09/24/2010)
09/30/2010		Summons Reissued for 6 Defendants. Counsel receiving original summons,in the Mail with USMS Forms, for each defendant and serve it in accordance with Fed.R.Civ.P. 4 and LR 4.1. (s) (Castilla, Francis) (Entered: 09/30/2010)
10/26/2010	18	SUMMONS Returned Executed Vector Management LLC served on 10/20/2010, answer due 11/10/2010. (Duong, Diep) (Entered: 10/27/2010)
10/26/2010	19	SUMMONS Returned Executed Jay Rourke served on 10/15/2010, answer due 11/5/2010. (Duong, Diep) (Entered: 10/27/2010)
10/26/2010	20	SUMMONS Returned Executed John W. Henry served on 10/15/2010, answer due 11/5/2010. (Duong, Diep) (Entered: 10/27/2010)
10/26/2010	21	SUMMONS Returned Executed Lawrence Lucchino served on 10/15/2010, answer due 11/5/2010. (Duong, Diep) (Entered: 10/27/2010)
10/26/2010	22	SUMMONS Returned Executed Sam Kennedy served on 10/15/2010, answer due 11/5/2010. (Duong, Diep) (Entered: 10/27/2010)
10/26/2010	23	SUMMONS Returned Executed Fenway Sports Group served on 10/15/2010, answer due 11/5/2010. (Duong, Diep) (Entered: 10/27/2010)
10/26/2010	24	SUMMONS Returned Executed Thomas G. Werner served on 10/15/2010, answer due 11/5/2010. (Duong, Diep) (Entered: 10/27/2010)
10/29/2010	25	NOTICE of Appearance by Michael R. Hackett on behalf of Jack Rovner, Vector Management LLC (Hackett, Michael) (Entered: 10/29/2010)
10/29/2010	26	Assented to MOTION for Extension of Time to December 10, 2010 to File Answer re 1 Complaint, by Jack Rovner, Vector Management LLC.(Hackett, Michael) (Entered: 10/29/2010)
10/29/2010	27	CORPORATE DISCLOSURE STATEMENT by Vector Management LLC. (Hackett, Michael) (Entered: 10/29/2010)

11/04/2010		Judge Nathaniel M. Gorton: ELECTRONIC ORDER entered granting 26 Motion for Extension of Time to Answer Jack Rovner answer due 12/10/2010; Vector Management LLC answer due 12/10/2010. (Nicewicz, Craig) (Entered: 11/04/2010)
11/05/2010	28	NOTICE of Appearance by Matthew J. Matule on behalf of Craig Barry, John Bongiovi, Bob Bowman, Mike Dee, Donato Music Services, Inc., William Falcon, Fenway Sports Group, John W. Henry, Sam Kennedy, Brett Langefels, Lawrence Lucchino, Major League Baseball Advanced Media, L.P., Major League Baseball Properties, Inc., New England Sports Enterprises, Inc., Anthony Ricigliano, Jay Rourke, Richard Sambora, Mark Shimmel, Time Warner Inc., Turner Sports inc., Turner Studios Inc., Thomas G. Werner (Matule, Matthew) (Entered: 11/05/2010)
11/05/2010	29	NOTICE of Appearance by Christopher G. Clark on behalf of Craig Barry, John Bongiovi, Bob Bowman, Mike Dee, Donato Music Services, Inc., William Falcon, Fenway Sports Group, John W. Henry, Sam Kennedy, Brett Langefels, Lawrence Lucchino, Major League Baseball Advanced Media, L.P., Major League Baseball Properties, Inc., New England Sports Enterprises, Inc., Anthony Ricigliano, Jay Rourke, Richard Sambora, Mark Shimmel, Time Warner Inc., Turner Sports inc., Turner Studios Inc., Thomas G. Werner (Clark, Christopher) (Entered: 11/05/2010)
11/05/2010	30	CORPORATE DISCLOSURE STATEMENT by Donato Music Services, Inc.. (Matule, Matthew) (Entered: 11/05/2010)
11/05/2010	31	CORPORATE DISCLOSURE STATEMENT by Major League Baseball Advanced Media, L.P.. (Matule, Matthew) (Entered: 11/05/2010)
11/05/2010	32	CORPORATE DISCLOSURE STATEMENT by Major League Baseball Properties, Inc.. (Matule, Matthew) (Entered: 11/05/2010)
11/05/2010	33	CORPORATE DISCLOSURE STATEMENT by New England Sports Enterprises, Inc.. (Matule, Matthew) (Entered: 11/05/2010)
11/05/2010	34	CORPORATE DISCLOSURE STATEMENT by Time Warner Inc.. (Matule, Matthew) (Entered: 11/05/2010)
11/05/2010	35	CORPORATE DISCLOSURE STATEMENT by Turner Sports inc.. (Matule, Matthew) (Entered: 11/05/2010)
11/05/2010	36	CORPORATE DISCLOSURE STATEMENT by Turner Studios Inc.. (Matule, Matthew) (Entered: 11/05/2010)
11/05/2010	37	MOTION to Dismiss <i>The Verified Complaint</i> by John Bongiovi, Bob Bowman, Mike Dee, William Falcon, Fenway Sports Group, John W. Henry, Sam Kennedy, Lawrence Lucchino, Major League Baseball Advanced Media, L.P., Major League Baseball Properties, Inc., New England Sports Enterprises, Inc., Jay Rourke, Richard Sambora, Mark Shimmel, Time Warner Inc., Turner Sports inc., Turner Studios Inc., Thomas G. Werner.(Matule, Matthew) (Entered: 11/05/2010)
11/05/2010	38	MOTION to Dismiss <i>The Verified Complaint</i> by Craig Barry, Donato Music Services, Inc., Brett Langefels, Anthony Ricigliano.(Matule, Matthew) (Entered: 11/05/2010)
11/05/2010	39	MEMORANDUM in Support re 38 MOTION to Dismiss <i>The Verified Complaint</i> filed

		by Craig Barry, Donato Music Services, Inc., Brett Langefels, Anthony Ricigliano. (Attachments: # 1 Exhibit A)(Matule, Matthew) (Entered: 11/05/2010)
11/09/2010	43	SUMMONS Returned Executed as to Jack Rovner. (Duong, Diep) (Entered: 11/10/2010)
11/09/2010	44	SUMMONS Returned Executed Bob Bowman served on 10/22/2010, answer due 11/12/2010. (Duong, Diep) (Entered: 11/10/2010)
11/10/2010	40	NOTICE of Appearance by Christopher G. Clark on behalf of Fenway Sports Group, New England Sports Enterprises, Inc. (Attachments: # 1 Exhibit A)(Clark, Christopher) (Entered: 11/10/2010)
11/10/2010	41	NOTICE of Appearance by Matthew J. Matule on behalf of Fenway Sports Group, New England Sports Enterprises, Inc. (Attachments: # 1 Exhibit A)(Matule, Matthew) (Entered: 11/10/2010)
11/10/2010	42	CORPORATE DISCLOSURE STATEMENT by Fenway Sports Group. (Attachments: # 1 Exhibit A)(Matule, Matthew) (Entered: 11/10/2010)
11/15/2010	45	NOTICE of Appearance by Christopher G. Clark on behalf of Jack Rovner, Vector Management LLC (Clark, Christopher) (Entered: 11/15/2010)
11/15/2010	46	NOTICE of Appearance by Matthew J. Matule on behalf of Jack Rovner, Vector Management LLC (Matule, Matthew) (Entered: 11/15/2010)
11/15/2010	47	MOTION to Dismiss <i>The Verified Complaint</i> by Jack Rovner, Vector Management LLC.(Matule, Matthew) (Entered: 11/15/2010)
11/16/2010	48	Assented to MOTION to Withdraw as Attorney by Jack Rovner, Vector Management LLC.(Hackett, Michael) (Entered: 11/16/2010)
11/17/2010		Judge Nathaniel M. Gorton: ELECTRONIC ORDER entered granting 48 Motion to Withdraw as Attorney. Attorney Michael R. Hackett terminated (Duong, Diep) (Entered: 11/17/2010)
11/19/2010	49	AFFIDAVIT OF SERVICE Executed by Samuel Bartley Steele. Craig Barry served on 11/5/2010, answer due 11/26/2010; Brett Langefels served on 11/5/2010, answer due 11/26/2010. Acknowledgement filed by Samuel Bartley Steele. (Hunt, Christopher) (Entered: 11/19/2010)
11/19/2010	50	AFFIDAVIT OF SERVICE Executed by Samuel Bartley Steele. Donato Music Services, Inc. served on 11/15/2010, answer due 12/6/2010; Anthony Ricigliano served on 11/15/2010, answer due 12/6/2010. Acknowledgement filed by Samuel Bartley Steele. (Hunt, Christopher) (Entered: 11/19/2010)
11/19/2010	51	Opposition re 38 MOTION to Dismiss <i>The Verified Complaint</i> filed by Samuel Bartley Steele. (Attachments: # 1 Exhibit Exhibit 1, # 2 Exhibit Exhibit 2, # 3 Exhibit Exhibit 3, # 4 Exhibit Exhibit 4, # 5 Exhibit Exhibit 5, # 6 Exhibit Exhibit 6)(Hunt, Christopher) (Entered: 11/19/2010)
11/19/2010	52	Opposition re 37 MOTION to Dismiss <i>The Verified Complaint</i> , 47 MOTION to Dismiss <i>The Verified Complaint</i> , 38 MOTION to Dismiss <i>The Verified Complaint</i> filed

		by Samuel Bartley Steele. (Attachments: # 1 Exhibit Exhibit 1, # 2 Exhibit Exhibit 2)(Hunt, Christopher) (Entered: 11/19/2010)
11/22/2010	53	SUMMONS Returned Executed Turner Broadcasting System Inc. served on 11/15/2010, answer due 12/6/2010. (Duong, Diep) (Entered: 11/22/2010)
11/24/2010	54	SUMMONS Returned Executed New England Sports Enterprises, Inc. served on 11/23/2010, answer due 12/14/2010. (Duong, Diep) (Entered: 11/24/2010)
11/24/2010	55	SUMMONS Returned Executed Major League Baseball Advanced Media, L.P. served on 11/10/2010, answer due 12/1/2010. (Duong, Diep) (Entered: 11/24/2010)
11/24/2010	56	Assented to MOTION for Leave to File <i>A Reply Memorandum Of Law In Further Support Of Defendants' Motion To Dismiss The Verified Complaint</i> by John Bongiovi, Bob Bowman, Mike Dee, William Falcon, Fenway Sports Group, John W. Henry, Sam Kennedy, Lawrence Lucchino, Major League Baseball Advanced Media, L.P., Major League Baseball Properties, Inc., New England Sports Enterprises, Inc., Jay Rourke, Jack Rovner, Richard Sambora, Mark Shimmel, Time Warner Inc., Turner Sports inc., Turner Studios Inc., Vector Management LLC, Thomas G. Werner. (Attachments: # 1 Exhibit A)(Matule, Matthew) (Entered: 11/24/2010)
11/24/2010	57	SUMMONS Returned Executed Boston Red Sox Baseball Club Limited Partnership served on 11/23/2010, answer due 12/14/2010. (Duong, Diep) (Entered: 11/26/2010)
11/29/2010	58	Assented to MOTION for Leave to File <i>Reply Memorandum Of Law Addressing Lack Of Personal Jurisdiction</i> by Craig Barry, Donato Music Services, Inc., Brett Langefels, Anthony Ricigliano. (Attachments: # 1 Exhibit A)(Matule, Matthew) (Entered: 11/29/2010)
01/03/2011	59	MOTION to Stay, MOTION to Consolidate Cases (Responses due by 1/18/2011) by Samuel Bartley Steele. (Attachments: # 1 Memorandum in Support)(Hunt, Christopher) (Entered: 01/03/2011)
01/04/2011	60	MEMORANDUM in Support re 59 MOTION to Stay MOTION to Consolidate Cases filed by Samuel Bartley Steele. (Re-docketed - Memorandum in Support should be filed as a separate entry) (Duong, Diep) (Entered: 01/04/2011)
01/10/2011	61	Assented to MOTION for Leave to Appear Pro Hac Vice for admission of Kenneth A. Plevan Filing fee: \$ 50, receipt number 0101-3224074 by Craig Barry, John Bongiovi, Bob Bowman, Mike Dee, Donato Music Services, Inc., William Falcon, Fenway Sports Group, John W. Henry, Sam Kennedy, Brett Langefels, Lawrence Lucchino, Major League Baseball Advanced Media, L.P., Major League Baseball Properties, Inc., New England Sports Enterprises, Inc., Anthony Ricigliano, Jay Rourke, Jack Rovner, Richard Sambora, Mark Shimmel, Time Warner Inc., Turner Sports inc., Turner Studios Inc., Vector Management LLC, Thomas G. Werner. (Attachments: # 1 Exhibit A)(Matule, Matthew) (Entered: 01/10/2011)
01/11/2011		Judge Nathaniel M. Gorton: ELECTRONIC ORDER entered granting 61 Motion for Leave to Appear Pro Hac Vice Added Kenneth A. Plevan. Attorneys admitted Pro Hac Vice must register for electronic filing. To register go to the Court website at www.mad.uscourts.gov. Select Case Information, then Electronic Filing

		(CM/ECF) and go to the CM/ECF Registration Form. (Duong, Diep) (Entered: 01/11/2011)
01/18/2011	62	Opposition re 59 MOTION to Stay MOTION to Consolidate Cases filed by Craig Barry, John Bongiovi, Boston Red Sox Baseball Club Limited Partnership, Bob Bowman, Mike Dee, Donato Music Services, Inc., William Falcon, Fenway Sports Group, John W. Henry, Sam Kennedy, Brett Langefels, Lawrence Lucchino, Major League Baseball Advanced Media, L.P., Major League Baseball Properties, Inc., New England Sports Enterprises, Inc., Anthony Ricigliano, Jay Rourke, Jack Rovner, Richard Sambora, Mark Shimmel, Time Warner Inc., Turner Broadcasting System Inc., Turner Sports inc., Turner Studios Inc., Vector Management LLC, Thomas G. Werner. (Matule, Matthew) (Entered: 01/18/2011)
01/26/2011		Judge Nathaniel M. Gorton: ELECTRONIC ORDER entered granting 56 Motion for Leave to File Document ; Counsel using the Electronic Case Filing System should now file the document for which leave to file has been granted in accordance with the CM/ECF Administrative Procedures. Counsel must include - Leave to file granted on (date of order)- in the caption of the document.; granting 58 Motion for Leave to File Document ; Counsel using the Electronic Case Filing System should now file the document for which leave to file has been granted in accordance with the CM/ECF Administrative Procedures. Counsel must include - Leave to file granted on (date of order)- in the caption of the document.; granting 10 Motion for Extension of Time to File; granting 17 Motion for Leave to File Document ; Counsel using the Electronic Case Filing System should now file the document for which leave to file has been granted in accordance with the CM/ECF Administrative Procedures. Counsel must include - Leave to file granted on (date of order)- in the caption of the document. (Nicewicz, Craig) (Entered: 01/26/2011)
01/27/2011	63	REPLY to Response to 7 MOTION to Dismiss <i>And For Other Relief</i> filed by Boston Red Sox Baseball Club Limited Partnership, Turner Broadcasting System Inc.. (Matule, Matthew) (Entered: 01/27/2011)
01/27/2011	64	REPLY to Response to 37 MOTION to Dismiss <i>The Verified Complaint</i> filed by John Bongiovi, Bob Bowman, Mike Dee, William Falcon, Fenway Sports Group, John W. Henry, Sam Kennedy, Lawrence Lucchino, Major League Baseball Advanced Media, L.P., Major League Baseball Properties, Inc., New England Sports Enterprises, Inc., Jay Rourke, Jack Rovner, Richard Sambora, Mark Shimmel, Time Warner Inc., Turner Sports inc., Turner Studios Inc., Vector Management LLC, Thomas G. Werner. (Matule, Matthew) (Entered: 01/27/2011)
01/27/2011	65	REPLY to Response to 38 MOTION to Dismiss <i>The Verified Complaint</i> filed by Craig Barry, Donato Music Services, Inc., Brett Langefels, Anthony Ricigliano. (Matule, Matthew) (Entered: 01/27/2011)
03/25/2011	66	CORPORATE DISCLOSURE STATEMENT by New England Sports Enterprises, Inc.. (Matule, Matthew) (Entered: 03/25/2011)
03/25/2011	67	CORPORATE DISCLOSURE STATEMENT by Fenway Sports Group. (Attachments: # 1 Exhibit A)(Matule, Matthew) (Entered: 03/25/2011)

03/25/2011	68	MOTION to Dismiss <i>the Verified Complaint</i> by Fenway Sports Group, New England Sports Enterprises, Inc.. (Attachments: # 1 Exhibit A)(Matule, Matthew) (Entered: 03/25/2011)
03/28/2011	69	CORPORATE DISCLOSURE STATEMENT by Major League Baseball Advanced Media, L.P.. (Attachments: # 1 Exhibit A)(Matule, Matthew) (Entered: 03/28/2011)
04/01/2011	70	CORPORATE DISCLOSURE STATEMENT by Fenway Sports Group. (Matule, Matthew) (Entered: 04/01/2011)

PACER Service Center			
Transaction Receipt			
04/08/2011 22:28:40			
PACER Login:	hb1848	Client Code:	steele
Description:	Docket Report	Search Criteria:	1:10-cv-11458-NMG
Billable Pages:	15	Cost:	1.20

EXHIBIT E

From: Christopher Hunt [cadhunt@earthlink.net]
To: Clark, Christopher G (BOS)
Subject: STEELE III/FSG (10-11458)
Date: 11/8/2010 9:10:33 PM
CC:
BCC:

Message:

Chris:

I haven't seen an appearance or any other filing on behalf of FSG. They appear to technically be in default. Would you please let me know when you will file their appearance or, if for some reason you will not be appearing for them, please so advise. I'd rather not waste the Court's (and parties') time entering their default if you or another firm is eventually going to appear for them.

Regards,

Chris

Christopher A.D. Hunt
The Hunt Law Firm LLC
10 Heron Lane
Hopedale, MA 01747
(508) 966-7300
cadhunt@earthlink.net

EXHIBIT F

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

----- x

SAMUEL BARTLEY STEELE, :

Plaintiff, : Civil Action

v. : No. 10-11458-NMG

ANTHONY RICIGLIANO, BOB BOWMAN, BOSTON :
RED SOX BASEBALL CLUB LIMITED :
PARTNERSHIP, BRETT LANGEFELS, CRAIG BARRY, :
DONATO MUSIC SERVICES, INC., FENWAY SPORTS :
GROUP a/k/a FSG f/k/a New England Sports Enterprises :
LLC, JACK ROVNER, JAY ROURKE, JOHN :
BONGIOVI, individually and d/b/a Bon Jovi Publishing, :
JOHN W. HENRY, LAWRENCE LUCCHINO, MAJOR :
LEAGUE BASEBALL ADVANCED MEDIA, L.P., :
MAJOR LEAGUE BASEBALL PROPERTIES, INC., :
a/k/a and/or d/b/a Major League Baseball Productions, :
MARK SHIMMEL individually and d/b/a Mark Shimmel :
Music, MIKE DEE, NEW ENGLAND SPORTS :
ENTERPRISES LLC f/d/b/a Fenway Sports Group f/a/k/a :
FSG, RICHARD SAMBORA individually and d/b/a :
Aggressive Music, SAM KENNEDY, THOMAS C. :
WERNER, TIME WARNER INC., TURNER :
BROADCASTING SYSTEM, INC., TURNER SPORTS, :
INC., TURNER STUDIOS, INC., VECTOR :
MANAGEMENT LLC f/k/a and/or a/k/a and/or successor :
in interest to Vector Management, WILLIAM FALCON :
individually and d/b/a Pretty Blue Songs, :

Defendants. :

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DEFENDANTS' MOTION TO DISMISS THE VERIFIED COMPLAINT

Pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, Defendants "Fenway Sports Group a/k/a FSG f/k/a New England Sports Enterprises LLC" and "New England Sports Enterprises, LLC f/d/b/a Fenway Sports Group f/a/k/a FSG" hereby move for an order dismissing the Verified Complaint with prejudice.

On November 5, 2010, a Motion to Dismiss was filed on behalf of "New England Sports Enterprises LLC d/b/a Fenway Sports Group," among other defendants. (Docket No. 37).¹ In a November 8, 2010 email, counsel for Plaintiff contended that notwithstanding that filing, Fenway Sports Group "appear[s] to technically be in default" and requested information on "when you will file their appearance." To avoid wasteful motion practice, on November 10, 2010, counsel filed additional notices of appearance on behalf of "Fenway Sports Group a/k/a FSG f/k/a New England Sports Enterprises LLC" and "New England Sports Enterprises LLC f/d/b/a Fenway Sports Group." (Docket Nos. 40 & 41.)

Months later, in a letter dated March 21, 2011, counsel for Plaintiff contended that "Fenway Sports Group a/k/a FSG . . . was not part of the motion to dismiss on behalf of NESE (and other defendants), both filed on November 5, 2010" and it is therefore "in default." (March 21, 2011 Letter at 2 (attached hereto as Exhibit A).) Although counsel believes that this filing is unnecessary, it and the accompanying corporate disclosure statements are being filed to hopefully avoid further unnecessary motion practice on purported "default" issues.²

As grounds for this motion, the Defendants refer to the memorandum filed on September 1, 2010 by Defendants Turner Broadcasting System, Inc. and Boston Red Sox Baseball Club Limited Partnership in support of their Motion To Dismiss And For Other Relief (*Steele III* Docket No. 8), and adopt in their entirety the arguments set forth therein.

¹ That motion to dismiss is fully briefed.

² As this Court is aware, counsel for Plaintiff has previously filed motions for entry of purported "default," which motions were denied. See *Steele I*, September 27, 2010 Order at 14 ("Although, in retrospect, the filing of plaintiff's motions [for entry of 'defaults'] was ill-advised and perhaps unnecessary, the court declines to find them so frivolous as to warrant the imposition of sanctions. Plaintiff and his counsel are, however, forewarned that any further motion practice in this regard will be looked upon askance.").

LOCAL RULE 7.1 CERTIFICATION

I, Christopher G. Clark, hereby certify that this filing is made in response to a request by counsel for Plaintiff in the attached letter dated March 21, 2011.

Dated: March 25, 2011

/s/ Christopher G. Clark
Christopher G. Clark

Dated: March 25, 2011
Boston, Massachusetts

Respectfully submitted,

/s/ Matthew J. Matule
Matthew J. Matule (BBO #632075)
Christopher G. Clark (BBO #663455)
SKADDEN, ARPS, SLATE,
MEAGHER & FLOM LLP
One Beacon Street
Boston, Massachusetts 02108
(617) 573-4800
mmatule@skadden.com
cclark@skadden.com

Kenneth A. Plevan
SKADDEN, ARPS, SLATE,
MEAGHER & FLOM LLP
Four Times Square
New York, New York 10036
(212) 735-3000
kplevan@skadden.com

Counsel for Defendants
"Fenway Sports Group a/k/a FSG f/k/a New
England Sports Enterprises LLC" and "New
England Sports Enterprises, LLC f/d/b/a
Fenway Sports Group f/a/k/a FSG"

CERTIFICATE OF SERVICE

I, Christopher G. Clark, hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing and paper copies will be sent to those indicated as non-registered participants on March 25, 2011.

Dated: March 25, 2011

/s/ Christopher G. Clark
Christopher G. Clark

EXHIBIT A

THE HUNT LAW FIRM LLC

10 Heron Lane
Hopedale, MA 01747
(508) 966-7300
(508) 478-0595 (fax)
cadhunt@earthlink.net

VIA ELECTRONIC AND FIRST CLASS MAIL

March 21, 2011

Christopher G. Clark, Esq.
Skadden Arps Slate Meagher & Flom LLP
One Beacon Street
Boston, MA 02108-3194

Re: Steele v. Ricigliano, et al., No. 1:10-cv-11458-NMG (USDC MA)

Dear Mr. Clark:

I write to address several material inconsistencies in your filings in Steele v. Ricigliano, et al., No. 1:10-cv-11458-NMG ("Steele III"). Unfortunately, the inconsistencies appear to be intentional rather than mistakes. Accordingly, this is also to provide you with the notice and opportunity to correct said filings prior to my seeking Court intervention.

The Steele III filings in question pertain to (1) defendant Fenway Sports Group a/k/a FSG f/k/a New England Sports Enterprises LLC ("Fenway Sports Group a/k/a FSG") and (2) defendant New England Sports Enterprises, LLC f/d/b/a Fenway Sports Group f/a/k/a FSG ("NESE").¹

NESE

The Steele III Complaint names NESE as "New England Sports Enterprises LLC f/d/b/a Fenway Sports Group f/a/k/a FSG." On November 5, 2010, however, you appeared for "New England Sports Enterprises, LLC d/b/a Fenway Sports Group," a party not identified as such in Steele's Complaint.

While Steele identified NESE as *formerly* doing business as Fenway Sports Group, your appearance states that NESE is *presently* doing business as Fenway Sports Group. Your appearance did not claim misnomer. On November 10, 2010, you filed a second appearance on behalf of

¹ While this letter concerns Steele III, the issues raised herein are also common to Steele v. Boston Red Sox, et al. No. 10-03418 (Mass. Superior Court) ("Steele IV"), in which Fenway Sports Group a/k/a FSG and NESE are also defendants. Specifically, your Steele IV filings on behalf of those two defendants contain the same misrepresentations as in your Steele III filings. I addressed your Steele IV filings in my March 13, 2011 letter to Mr. Matule (copy attached).

THE HUNT LAW FIRM LLC

10 Heron Lane
Hopedale, MA 01747
(508) 966-7300
(508) 478-0595 (fax)
cadhunt@earthlink.net

NESE explicitly asserting that "Fenway Sports Group is a d/b/a of New England Sports Enterprises LLC."

Fenway Sports Group a/k/a FSG

The Steele III Complaint names Fenway Sports Group a/k/a FSG as "Fenway Sports Group a/k/a FSG f/k/a New England Sports Enterprises LLC." Steele's Complaint, in other words, asserts that Fenway Sports Group a/k/a FSG *is currently* known as FSG and *was formerly* known as NESE.

However, you failed to file an appearance on behalf of Fenway Sports Group a/k/a FSG and it was not part of the motion to dismiss on behalf of NESE (and other defendants), both filed on November 5, 2010. On November 10, 2010, in response to an e-mail from me indicating that Fenway Sports Group a/k/a FSG appeared to be in default, you entered an appearance for "Fenway Sports Group a/k/a FSG f/k/a New England Sports Enterprises LLC."²

Beyond its appearance, Fenway Sports Group a/k/a FSG has failed to substantively respond to Steele's Complaint and, accordingly, remains in default.

Two Defendants; Once Response

Steele specifically named, listed, and served *two* distinct defendants in Steele III (and Steele IV): Fenway Sports Group a/k/a FSG and NESE. Steele's Complaints clearly distinguish them by describing their former and present relationships to each other: Steele identifies NESE as *formerly* doing business as Fenway Sports Group a/k/a FSG and Fenway Sports Group a/k/a FSG as being *formerly* known as NESE. Steele identifies "Fenway Sports Group" as also known as "FSG."

Simply put, Steele unmistakably named Fenway Sports Group a/k/a FSG and NESE as *two* defendants, each *formerly* known as the other. Your filings, on the other hand, state that NESE is one and the same as Fenway Sports Group a/k/a FSG. By stating that NESE is *currently* doing business as Fenway Sports Group, and by failing to respond to Steele's complaints separately on behalf of Fenway Sports Group a/k/a FSG, you are representing that Fenway Sports Group a/k/a FSG either does not exist or is no more than NESE's current business name.

² The appearance - confusingly - also purported to be on behalf of NESE, for whom you had already appeared on November 5, 2010.

THE HUNT LAW FIRM LLC

10 Heron Lane
Hopedale, MA 01747
(508) 966-7300
(508) 478-0595 (fax)
cadhunt@earthlink.net

Without notice, good cause, or permission - without even a claim of misnomer - you are attempting to alter the identities and status of two defendants in both Steele III and IV, contrary to their unambiguous identification in Steele's Complaints.

Your unilaterally adopted nomenclature seeks to improperly remove a named, served, and active defendant, Fenway Sports Group a/k/a FSG, from the case by stating it is the same entity as NESE. Furthering this impression, Fenway Sports Group a/k/a FSG has failed to respond to Steele's Complaints, apparently under the assumption that your misidentification of NESE in its filings has removed Fenway Sports Group a/k/a FSG from the case and relieved it from its burden to respond to Steele's Complaint.

Fenway Sports Group a/k/a FSG, however, has neither sought nor received permission to ignore Steele's complaint.

Fenway Sports Group a/k/a FSG's Willful Default and Your Attempted Concealment Thereof

Fenway Sports Group a/k/a FSG's failure to respond to the Steele III and IV Complaints, in conjunction with NESE's unilateral name change claiming it *is*, in effect, Fenway Sports Group a/k/a FSG, appears an attempt to surreptitiously remove defendant Fenway Sports Group a/k/a FSG from Steele III and IV through extra-judicial means.

Significantly, your tactics here mirror those you employed in Steele I, in which defendants MLB Advanced Media, L.P. and Vector Management defaulted and concealed their defaults by having other entities appear in their stead. Here, you seek to have NESE - as re-defined by you - appear on behalf of NESE *and* Fenway Sports Group a/k/a FSG.

Exhibit A

Each of your memoranda in support of defendants' motions to dismiss Steele III and IV attach, as "Exhibit A," a chart purporting to list all of the defendants in each case. Numerically, each chart matches Steele's Complaints, i.e., listing a total of 26 defendants in Steele III and 18 in Steele IV.

If each chart accurately reflected your own substantive filings - which assert that Fenway Sports Group a/k/a FSG exists only as a d/b/a of NESE - they would come up one defendant short, i.e., 25 in Steele III (instead of 26) and 17 in Steele IV (instead of 18). To get around this you simply list one defendant twice. Steele did not sue, name, or serve "Major League Baseball Productions" because, based on your own filings in Steele I, it is a d/b/a of defendant Major League

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10 Heron Lane
Hopedale, MA 01747
(508) 966-7300
(508) 478-0595 (fax)
cadhunt@earthlink.net

Baseball Properties, Inc. ("MLBP"), which is how it is listed in Steele's Complaints. Nor have you appeared for any such entity apart from MLBP.

Nonetheless, each chart lists "Major League Baseball Productions" as a *separate* defendant from MLBP, thereby adding one name to each list, giving them numerical congruity with Steele's Complaints. Not insignificantly, the charts list defendants alphabetically - with the sole exception of non-defendant "Major League Baseball Productions."

The numerical parity issue "solved," your charts also conceal your attempts to improperly remove Fenway Sports Group a/k/a FSG from the case. Rather than omitting Fenway Sports Group a/k/a FSG - or listing it *with* NESE as a single defendant, either of which would accurately reflect your substantive filings - you omit NESE and list Fenway Sports Group a/k/a FSG individually.

It is worth noting that the two charts - one each for Steele III and IV - are far from identical, differing in format, layout, and number of columns, among other things (e.g., party nomenclature, center versus left-justified, titled versus untitled, numbered versus unnumbered rows, and some parties are listed as "disputed" in one chart but not the other).

In other words, the exhibits were independently created for each motion in each case, as opposed to being created once and then copied and attached to both motions. This is significant because - despite their differences - the exhibits contain identical misrepresentations: listing Major League Baseball Productions as a defendant (out of alphabetical order), omitting NESE, and listing Fenway Sports Group a/k/a FSG. Each of these representations is directly contradicted by your own substantive filings. That two otherwise different charts in two separate cases contain identical "misstatements" - which happen to conceal Fenway Sports Group a/k/a FSG's default in each case - strongly indicates intent to deceive rather than inadvertence.

The Record

In closing, the Steele III Court record contains misrepresentations in several of your filings, as detailed above. In addition, I note that the misrepresentations extend to filings ostensibly on behalf of Fenway Sports Group a/k/a FSG, including its appearance and corporate disclosure statement. The similarity of irregular and misrepresentative filings - however tedious to uncover - establish your acts as intentional, and are consistent with your prior furtive and willful defaults in Steele I.

I will allow one week - until March 28, 2008 - for you to voluntarily take appropriate steps to correct the record. I expect all filings to be corrected so as to reflect reality and be consistent with each other and with Steele's Complaint. This includes, but is not limited to, filing accurate

THE HUNT LAW FIRM LLC

10 Heron Lane
Hopedale, MA 01747
(508) 966-7300
(508) 478-0595 (fax)
cadhunt@earthlink.net

appearances and, in particular, accurate corporate disclosure statements on behalf of Fenway Sports Group a/k/a FSG and NESE.

Failing that, I will seek the Court's intervention.

Thank you for your attention to this matter.

Very truly yours,



Christopher A.D. Hunt

cc: Clifford Sloan, Esq. (via e-mail only)
Kenneth Plevan, Esq. (via e-mail only)
Scott D. Brown, Esq. (via e-mail only)
Matthew J. Matule, Esq. (via e-mail only)

THE HUNT LAW FIRM LLC

10 Heron Lane
Hopedale, MA 01747
(508) 966-7300
(508) 478-0595 (fax)
cadhunt@earthlink.net

VIA ELECTRONIC AND FIRST CLASS MAIL

March 13, 2011

Matthew J. Matule, Esq.
Skadden Arps Slate Meagher & Flom LLP
One Beacon Street
Boston, MA 02108-3194

Re: Steele v. Boston Red Sox, et al. No. 10-03418 (Mass. Superior Court)

Dear Mr. Matule:

I write to address confusion created by your filings in this case, particularly pertaining to the purported "18 defendants" on whose behalf your motion to dismiss was ostensibly filed. First, you have, it seems, attempted to merge two defendants into one, leaving one of the two in default. Second, it appears you are trying to conceal the defaulting defendant by, among other things, referencing "18 defendants" in Defendants' Memorandum in Support of its Motion to Dismiss when, in fact, only 17 defendants have appeared and moved for dismissal.

1. Fenway Sports Group a/k/a FSG f/k/a New England Sports Enterprises, LLC

As you know, Steele's Complaint named, and copies of the Complaint and summonses were served upon, among others, two distinct entities: (1) Fenway Sports Group a/k/a FSG f/k/a New England Sports Enterprises, LLC ("Fenway Sports Group a/k/a FSG") and (2) New England Sports Enterprises, LLC f/d/b/a Fenway Sports Group f/a/k/a FSG ("NESE").

However, only one of the two - NESE - has appeared and moved to dismiss. Fenway Sports Group a/k/a FSG has neither appeared nor moved to dismiss and, accordingly, appears to be in default.

Despite the failure of Fenway Sports Group a/k/a FSG (or any similarly named entity) to appear or respond, you filed a corporate disclosure statement on behalf of an entity you call "Defendant Fenway Sports Group," which states it "is a d/b/a of New England Sports Enterprises LLC." You state that this is "reflected in" a seven year-old Boston City Clerk document attached to its corporate disclosure form. Apart from its corporate disclosure form, "Fenway Sports Group" filed no appearance, motion, or other papers. See SJC Rule 1:21(b)(ii) (corporate disclosure must be filed with the party's "first appearance, pleading, petition, motion, response or other request. A copy of the statement must also be filed with each contested motion.")

THE HUNT LAW FIRM LLC

10 Heron Lane
Hopedale, MA 01747
(508) 966-7300
(508) 478-0595 (fax)
cadhunt@earthlink.net

In addition, the corporate disclosure form's assertion that "Fenway Sports Group... is a d/b/a of [NESE]" is inconsistent with - and does not respond to - Steele's Complaint, which states that Fenway Sports Group a/k/a FSG *was* formerly known as NESE but is *now* known as "FSG." The corporate disclosure statement, in fact, fails to mention "FSG" at all.

My client's intentions are crystal clear and he has sued and served the entity that (1) operates or has operated as "Fenway Sports Group" *and/or* "FSG," the "sports marketing agency" established by Red Sox owners in March 2004, which (2) represents itself as "Fenway Sports Group (FSG)" on its website, <http://fenwaysportsgroup.com/> (at the "About Us" tab), and (3) which is located at 82 Brookline Avenue, Boston, Massachusetts 02215 (at the "Contact Us" tab), where it was properly served with process.

The above website nowhere references NESE. My client sued and served NESE *in addition* to Fenway Sports Group a/k/a FSG.

It appears that you are representing to the Court that defendant Fenway Sports Group a/k/a FSG was and is nothing more than a d/b/a of defendant NESE, i.e., that they were and are one and the same defendant. However, the manner in which NESE has attempted to appear and defend for both itself *and* defendant Fenway Sports Group a/k/a FSG has been - and remains - confusing and vague, and, by all appearances, intentionally so.

First, the properly served defendant Fenway Sports Group a/k/a FSG's failed to respond to the summons and complaint. Second, your appearances and motion papers unilaterally altered Steele's Complaint's specific nomenclature for both NESE *and* Fenway Sports Group a/k/a FSG, but without explicitly asserting misnomer or, as you have in the past, "misidentification," as to either defendant. Third, you filed a corporate disclosure form for a "Fenway Sports Group" in a vacuum, given that no such entity has appeared or otherwise responded to Steele's Complaint.

While am loath to jump to conclusions as to your intentions, your conduct in Steele I, particularly your unilateral substitution of an unnamed and unserved entity for a properly named and served defendant in order to conceal the latter's willful default - disturbingly similar to what you seem to be attempting here - my client and I are simply unwilling to give you or your clients the benefit of the doubt. Moreover, there are serious additional inconsistencies in your Court-filed papers, explained below, that lead me to believe you are attempting to conceal and/or remove defendant Fenway Sports Group a/k/a FSG from this litigation through improper means, similar to your illicit removal of MLBAM and Vector Management from Steele I.

THE HUNT LAW FIRM LLC

10 Heron Lane
Hopedale, MA 01747
(508) 966-7300
(508) 478-0595 (fax)
cadhunt@earthlink.net

2. Your Reference to the "18 Defendants" in Defendants' Motion Papers is a Deception Designed to Conceal Fenway Sports Group a/k/a FSG's Default; Only 17 Defendants Have Appeared and Moved to Dismiss

Steele sued 18 defendants; they are clearly listed in the caption and body of his Complaint. One of those defendants is Fenway Sports Group a/k/a FSG.

Defendants' Notice of Appearance, Notice of Defendants' Motion to Dismiss, and Defendants' Motion to Dismiss each lists the same 17 defendants, omitting Fenway Sports Group a/k/a FSG. Your semantic merger of two defendants - Fenway Sports Group a/k/a FSG and NESE - into a single "New England Sports Enterprises, LLC d/b/a Fenway Sports Group," a name that appears nowhere in Steele's complaint, seems a clumsy attempt to hide Fenway Sports Group a/k/a FSG behind NESE and conceal Fenway Sports Group a/k/a FSG's de facto default.

Your paper containing defendants' substantive arguments - Defendants' Memorandum in Support of their Motion to Dismiss ("Defendants' Memorandum") - which, for obvious reasons, will receive the most attention from the Court, however, *does not similarly list each of the moving defendants*. Instead Defendants' Memorandum states only that "all defendants" move to dismiss.

To add to the confusion – or deception - Defendants' Memorandum, on pages one and five, references "18 defendants" in the case, despite your Notice of Appearance and Motion to Dismiss being filed on behalf of only 17 defendants. Your references to the "18 defendants" gives the false impression that each of the 18 defendants named in Steele's caption and complaint have appeared and are seeking dismissal when, in fact, one - Fenway Sports Group a/k/a FSG - has yet to do either.

Finally, and appearing to dispel any doubts that you are, once again, engaging in deceptive behavior designed to improperly conceal a party from Steele and the Court, Exhibit A to Defendants' Memorandum - referenced on page 6 thereof - lists 18 entities as defendants in this case, again superficially appearing to conform to the 18 defendants listed in Steele's caption and complaint.

However, a closer look reveals that one of the "defendants" in Exhibit A is "Major League Baseball Productions," which Steele sued as a d/b/a of the already-listed defendant Major League Baseball Properties, Inc. ("MLBP"). Accordingly, one defendant, MLBP, is listed twice while at the same time two defendants, Fenway Sports Group a/k/a FSG and NESE, are merged and listed as one defendant. In this manner you contrive – and present – outward, but false, symmetry between

THE HUNT LAW FIRM LLC

10 Heron Lane
Hopedale, MA 01747
(508) 966-7300
(508) 478-0595 (fax)
cadhunt@earthlink.net

Steele's Complaint and your motion papers, each "side" listing 18 "defendants," while in reality one defendant, Fenway Sports Group a/k/a FSG, hides behind NESE and has its counsel plays word games to conceal its willful default.¹

In closing, I allow defendant Fenway Sports Group a/k/a FSG until March 28, 2011 to respond – fully, truthfully, and in accordance with the law – to Steele's Complaint. If Fenway Sports Group a/k/a FSG fails to respond by that date, I will move for entry of default and other relief, including costs and/or sanctions, where warranted.

Thank you for your attention to this matter.

Very truly yours,



Christopher A.D. Hunt

cc: Clifford Sloan, Esq. (via e-mail only)
Kenneth Plevan, Esq. (via e-mail only)
Scott D. Brown, Esq. (via e-mail only)
Christopher G. Clark, Esq. (via e-mail only)

¹Significantly adding to the confusion, Exhibit A omits NESE but *does* list Fenway Sports Group a/k/a FSG as a defendant, which is inconsistent with both entities' purported corporate disclosure statements, Defendants' Notice of Appearance, and Defendants' Motion to Dismiss. Exhibit A is, in fact, defendants' only document correctly identifying "Fenway Sports Group a/k/a FSG f/k/a New England Sports Enterprises, Inc." as a defendant.

EXHIBIT G

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

----- x

SAMUEL BARTLEY STEELE, :

Plaintiff, : Civil Action

v. : No. 10-11458-NMG

ANTHONY RICIGLIANO, BOB BOWMAN, BOSTON :

RED SOX BASEBALL CLUB LIMITED :

PARTNERSHIP, BRETT LANGEFELS, CRAIG BARRY, :

DONATO MUSIC SERVICES, INC., FENWAY SPORTS :

GROUP a/k/a FSG f/k/a New England Sports Enterprises :

LLC, JACK ROVNER, JAY ROURKE, JOHN :

BONGIOVI, individually and d/b/a Bon Jovi Publishing, :

JOHN W. HENRY, LAWRENCE LUCCHINO, MAJOR :

LEAGUE BASEBALL ADVANCED MEDIA, L.P., :

MAJOR LEAGUE BASEBALL PROPERTIES, INC., :

a/k/a and/or d/b/a Major League Baseball Productions, :

MARK SHIMMEL individually and d/b/a Mark Shimmel :

Music, MIKE DEE, NEW ENGLAND SPORTS :

ENTERPRISES LLC f/d/b/a Fenway Sports Group f/a/k/a :

FSG, RICHARD SAMBORA individually and d/b/a :

Aggressive Music, SAM KENNEDY, THOMAS C. :

WERNER, TIME WARNER INC., TURNER :

BROADCASTING SYSTEM, INC., TURNER SPORTS, :

INC., TURNER STUDIOS, INC., VECTOR :

MANAGEMENT LLC f/k/a and/or a/k/a and/or successor :

in interest to Vector Management, WILLIAM FALCON :

individually and d/b/a Pretty Blue Songs, :

Defendants. :

----- x

**DEFENDANT FENWAY SPORTS GROUP'S
CORPORATE DISCLOSURE STATEMENT**

Pursuant to Fed. R. Civ. P. 7.1 and Local Rule 7.3, Fenway Sports Group states that it is a d/b/a of New England Sports Enterprises LLC, as reflected in the attached printout from the City of Boston City Clerk DBA Database.

Dated: November 10, 2010
Boston, Massachusetts

Respectfully submitted,

Of Counsel:

Kenneth A. Plevan
SKADDEN, ARPS, SLATE,
MEAGHER & FLOM LLP
Four Times Square
New York, New York 10036
(212) 735-3000
kplevan@skadden.com

/s/ Matthew J. Matule
Matthew J. Matule (BBO #632075)
Christopher G. Clark (BBO #663455)
SKADDEN, ARPS, SLATE,
MEAGHER & FLOM LLP
One Beacon Street
Boston, Massachusetts 02108
(617) 573-4800
mmatule@skadden.com
cclark@skadden.com

Counsel for Defendant
Fenway Sports Group

CERTIFICATE OF SERVICE

I, Christopher G. Clark, hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing and paper copies will be sent to those indicated as non-registered participants on November 10, 2010.

Dated: November 10, 2010

/s/ Christopher G. Clark
Christopher G. Clark

EXHIBIT A

City Clerk DBA Database Search

Search Reply

Search Criteria:

Name = *fenway sports group*

Page 1 of

1 record found. Displaying records : **1 to 1** Edit Query

Page: 1

FENWAY SPORTS GROUP

Date: 2004-08-25

Type: SPORTS RELATED ENTERPRISES

Business Address: 4 YAWKEY WAY

File #:043586

Owner #1 Name: NEW ENGLAND SPORTS ENTERPRISES LLC 4 YAWKEY WAY 02215

Owner #2 Name:

EXHIBIT H

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

----- x

SAMUEL BARTLEY STEELE, :

Plaintiff, : Civil Action

v. : No. 10-11458-NMG

ANTHONY RICIGLIANO, BOB BOWMAN, BOSTON :
RED SOX BASEBALL CLUB LIMITED :
PARTNERSHIP, BRETT LANGEFELS, CRAIG BARRY, :
DONATO MUSIC SERVICES, INC., FENWAY SPORTS :
GROUP a/k/a FSG f/k/a New England Sports Enterprises :
LLC, JACK ROVNER, JAY ROURKE, JOHN :
BONGIOVI, individually and d/b/a Bon Jovi Publishing, :
JOHN W. HENRY, LAWRENCE LUCCHINO, MAJOR :
LEAGUE BASEBALL ADVANCED MEDIA, L.P., :
MAJOR LEAGUE BASEBALL PROPERTIES, INC., :
a/k/a and/or d/b/a Major League Baseball Productions, :
MARK SHIMMEL individually and d/b/a Mark Shimmel :
Music, MIKE DEE, NEW ENGLAND SPORTS :
ENTERPRISES LLC f/d/b/a Fenway Sports Group f/a/k/a :
FSG, RICHARD SAMBORA individually and d/b/a :
Aggressive Music, SAM KENNEDY, THOMAS C. :
WERNER, TIME WARNER INC., TURNER :
BROADCASTING SYSTEM, INC., TURNER SPORTS, :
INC., TURNER STUDIOS, INC., VECTOR :
MANAGEMENT LLC f/k/a and/or a/k/a and/or successor :
in interest to Vector Management, WILLIAM FALCON :
individually and d/b/a Pretty Blue Songs, :

Defendants. :

----- x

CORPORATE DISCLOSURE STATEMENT OF DEFENDANT "FENWAY SPORTS GROUP A/K/A FSG F/K/A NEW ENGLAND SPORTS ENTERPRISES LLC"

Pursuant to Fed. R. Civ. P. 7.1 and Local Rule 7.3, Defendant "Fenway Sports Group a/k/a FSG f/k/a New England Sports Enterprises LLC" states that it is a d/b/a of New England Sports Enterprises LLC, as reflected in the attached document printed from the City of Boston City Clerk DBA Database on March 24, 2011.

Dated: March 25, 2011
Boston, Massachusetts

Respectfully submitted,

/s/ Matthew J. Matule
Matthew J. Matule (BBO #632075)
Christopher G. Clark (BBO #663455)
SKADDEN, ARPS, SLATE,
MEAGHER & FLOM LLP
One Beacon Street
Boston, Massachusetts 02108
(617) 573-4800
mmatule@skadden.com
cclark@skadden.com

Kenneth A. Plevan
SKADDEN, ARPS, SLATE,
MEAGHER & FLOM LLP
Four Times Square
New York, New York 10036
(212) 735-3000
kplevan@skadden.com

Counsel for Defendant
"Fenway Sports Group a/k/a FSG f/k/a
New England Sports Enterprises LLC"

CERTIFICATE OF SERVICE

I, Christopher G. Clark, hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing and paper copies will be sent to those indicated as non-registered participants on March 25, 2011.

Dated: March 25, 2011

/s/ Christopher G. Clark
Christopher G. Clark

EXHIBIT A

City Clerk DBA Database Search

Search Reply

Search Criteria:

Name = *Fenway Sports Group*

Page 1 of 1

1 record found. Displaying records : **1 to 1** [Edit Query](#)

Page: 1

FENWAY SPORTS GROUP

Date: 2004-08-25

Type: SPORTS RELATED ENTERPRISES

Business Address: 4 YAWKEY WAY

File #:043586

Owner #1 Name: NEW ENGLAND SPORTS ENTERPRISES LLC 4 YAWKEY WAY 02215

Owner #2 Name:

EXHIBIT I

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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SAMUEL BARTLEY STEELE, :

Plaintiff, : Civil Action

v. : No. 10-11458-NMG

ANTHONY RICIGLIANO, BOB BOWMAN, BOSTON :
RED SOX BASEBALL CLUB LIMITED :
PARTNERSHIP, BRETT LANGEFELS, CRAIG BARRY, :
DONATO MUSIC SERVICES, INC., FENWAY SPORTS :
GROUP a/k/a FSG f/k/a New England Sports Enterprises :
LLC, JACK ROVNER, JAY ROURKE, JOHN :
BONGIOVI, individually and d/b/a Bon Jovi Publishing, :
JOHN W. HENRY, LAWRENCE LUCCHINO, MAJOR :
LEAGUE BASEBALL ADVANCED MEDIA, L.P., :
MAJOR LEAGUE BASEBALL PROPERTIES, INC., :
a/k/a and/or d/b/a Major League Baseball Productions, :
MARK SHIMMEL individually and d/b/a Mark Shimmel :
Music, MIKE DEE, NEW ENGLAND SPORTS :
ENTERPRISES LLC f/d/b/a Fenway Sports Group f/a/k/a :
FSG, RICHARD SAMBORA individually and d/b/a :
Aggressive Music, SAM KENNEDY, THOMAS C. :
WERNER, TIME WARNER INC., TURNER :
BROADCASTING SYSTEM, INC., TURNER SPORTS, :
INC., TURNER STUDIOS, INC., VECTOR :
MANAGEMENT LLC f/k/a and/or a/k/a and/or successor :
in interest to Vector Management, WILLIAM FALCON :
individually and d/b/a Pretty Blue Songs, :

Defendants. :

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CORPORATE DISCLOSURE STATEMENT OF DEFENDANT "NEW ENGLAND SPORTS ENTERPRISES, LLC F/D/B/A FENWAY SPORTS GROUP F/A/K/A FSG"

Pursuant to Fed. R. Civ. P. 7.1 and Local Rule 7.3, Defendant "New England Sports Enterprises, LLC f/d/b/a Fenway Sports Group f/a/k/a FSG" makes the following corporate disclosure statement:

New England Sports Enterprises, LLC is wholly owned by New England Sports Ventures, LLC. The New York Times Company holds more than a 10% ownership interest in New England Sports Ventures, LLC.

Dated: March 25, 2011
Boston, Massachusetts

Respectfully submitted,

/s/ Matthew J. Matule
Matthew J. Matule (BBO #632075)
Christopher G. Clark (BBO #663455)
SKADDEN, ARPS, SLATE,
MEAGHER & FLOM LLP
One Beacon Street
Boston, Massachusetts 02108
(617) 573-4800
mmatule@skadden.com
cclark@skadden.com

Kenneth A. Plevan
SKADDEN, ARPS, SLATE,
MEAGHER & FLOM LLP
Four Times Square
New York, New York 10036
(212) 735-3000
kplevan@skadden.com

Counsel for Defendant
"New England Sports Enterprises, LLC f/d/b/a
Fenway Sports Group f/a/k/a FSG"

CERTIFICATE OF SERVICE

I, Christopher G. Clark, hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing and paper copies will be sent to those indicated as non-registered participants on March 25, 2011.

Dated: March 25, 2011

/s/ Christopher G. Clark
Christopher G. Clark

EXHIBIT J

Official Info

Press Releases

MLB Official Info



PRESS RELEASE

03/22/2011 11:56 AM ET

New England Sports Ventures (NESV) officially assumes new corporate name and marks as Fenway Sports Group



Parent company change initiates re-branding effort of sales representation and sports marketing firm; FSG becomes Fenway Sports Management

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MORE COVERAGE

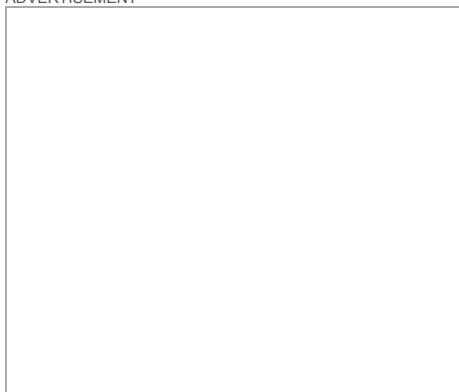
Red Sox Headlines

- [Boston's bullpen competition down to four](#)
- [Farrell enjoys warm reunion with former club](#)
- [Crawford, Adrian each get two hits in loss](#)
- [Bard fastball sends Patterson to hospital](#)
- [Beckett encouraged, despite results](#)
- [More Red Sox Headlines](#)

Today New England Sports Ventures (NESV) announced that it has officially assumed a new corporate name, Fenway Sports Group.

Created in 2001, Fenway Sports Group is one of the largest sports, media and entertainment companies in the world. Fenway Sports Group's portfolio of companies includes some of the most storied names and clubs in worldwide sports including: the Boston Red Sox, a Major League Baseball club; Liverpool FC, an English Premier League football club; Fenway Sports Management (formerly FSG), a sales and marketing company; 80% of New England Sports Network (NESN), a regional sports television network; and 50% of Roush Fenway Racing, a NASCAR racing team. The company also owns two of the most renowned venues in sports: Fenway Park, home of the Boston Red Sox; and Anfield Stadium, home of Liverpool FC. Fenway Sports Group is led by Principal Owner John Henry and Chairman Tom Werner, with additional ownership interests being held by a select number of prestigious individuals and The New York Times.

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The name change occurred following the acquisition of Liverpool FC, which solidified the more global nature of the Company's diversified holdings and set its course for more world-wide pursuits. Fenway Sports Group, which began using the name informally over the last few months to replace NESV, made the change official today and has launched its new website, www.fenwaysportsgroup.com.

A change in the parent Company name to Fenway Sports Group initiated re-branding efforts for FSG, the sales representation and sports marketing arm of the Company. Boston-based FSG will now operate as Fenway Sports Management (FSM), which preserves the connection to its former name under which it operated for the last six years, while providing a more accurate reflection of the firm's service offerings and world-wide aspirations.

FSM specializes in property representation, sponsorship sales, and brand management consulting, and serves as the global sports marketing and sales arm of Fenway Sports Group. Since its inception in 2004, FSM has created successful integrated sports marketing programs for the blue chip brands it represents including: the Boston Red Sox, Liverpool FC, NESN, Roush Fenway Racing, Major League Baseball Advanced Media, Boston College Athletics and PGA TOUR Playoff event the Deutsche Bank Championship. FSM's current and former consulting clients include Verizon Wireless, Dunkin' Donuts, jetBlue Airways, Solar Blue, Gulf Oil, Athletes' Performance and the Green Bay Packers.

FSM will continue to operate with an entrepreneurial spirit, and seek opportunities to create and be involved with a select number of new projects with an eye toward those that are beneficial to the parent Company. In 2010, FSM helped bring the NHL's storied outdoor Winter Classic to Fenway Park, where the Boston Bruins hosted the Philadelphia Flyers. To capitalize on the excitement of the Winter Classic, FSM developed Sun Life Frozen Fenway, the first-ever outdoor college hockey doubleheader to take place at the historic Park. That summer FSM also produced Football at Fenway, an international friendly match played on the ballfield featuring legendary Scottish Premier League contender Celtic Football Club vs. Sporting, a leading club from Portugal.

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Plaintiff, : Civil Action

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in interest to Vector Management, WILLIAM FALCON :
individually and d/b/a Pretty Blue Songs, :

Defendants. :

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CORPORATE DISCLOSURE STATEMENT OF DEFENDANT "FENWAY SPORTS GROUP A/K/A FSG F/K/A NEW ENGLAND SPORTS ENTERPRISES LLC"

Pursuant to Fed. R. Civ. P. 7.1 and Local Rule 7.3, Defendant "Fenway Sports Group a/k/a FSG f/k/a New England Sports Enterprises LLC" states that it is currently a d/b/a of New England Sports Ventures I LLC. Pursuant to Fed. R. Civ. P. 7.1 and Local Rule 7.3, Defendant "Fenway Sports Group a/k/a FSG f/k/a New England Sports Enterprises LLC" states

that it is currently a d/b/a of N.E.S.V. I LLC. Fenway Sports Group is a registered trade name, and it does not now exist, nor has it ever existed, as a separate or distinct legal entity.

Dated: April 1, 2011
Boston, Massachusetts

Respectfully submitted,

/s/ Matthew J. Matule
Matthew J. Matule (BBO #632075)
Christopher G. Clark (BBO #663455)
SKADDEN, ARPS, SLATE,
MEAGHER & FLOM LLP
One Beacon Street
Boston, Massachusetts 02108
(617) 573-4800
mmatule@skadden.com
cclark@skadden.com

Kenneth A. Plevan
SKADDEN, ARPS, SLATE,
MEAGHER & FLOM LLP
Four Times Square
New York, New York 10036
(212) 735-3000
kplevan@skadden.com

Counsel for Defendant
"Fenway Sports Group a/k/a FSG f/k/a
New England Sports Enterprises LLC"

CERTIFICATE OF SERVICE

I, Christopher G. Clark, hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing and paper copies will be sent to those indicated as non-registered participants on April 1, 2011.

Dated: April 1, 2011

/s/ Christopher G. Clark
Christopher G. Clark