

LOS ANGELES

# Daily Journal

WEDNESDAY,  
FEBRUARY 4, 2009

— SINCE 1888 —

## Top Defense Verdicts of 2008

### News Corp. Prevails Against Claims of Satellite TV Piracy

**By Craig Anderson**  
Daily Journal Staff Writer

The piracy and corporate espionage trial featured testimony from billionaires to convicted felons to admitted pirates, as well as a plaintiff's demand for as much as \$1.6 billion in damages. Witnesses came from all over the world to testify.

But in the end, attorneys representing a division of News Corp. persuaded a Santa Ana jury to award only \$1,500.

Dish Network Group accused hackers hired by News Corp.'s NDS Group of being responsible for the widespread piracy of its satellite television systems. The allegations included violations of the Digital Millennium Copyright Act, the Communications Act and the California Penal Code.

The potential damages in the case could have soared into the hundreds of millions of dollars based on the number of statutory violations found by the jury.

After a five-week trial, though, the jury found only two violations of federal and state law, leading to the tiny damages award. *EchoStar Satellite Group v. NDS Group PLC, SA CV03-950 DOC* (EchoStar is now known as Dish Network).

During the trial, Darin Snyder — a San Francisco-based partner at O'Melveny & Myers who served as NDS Group's lead attorney — conceded that one of the hackers hired by NDS tapped into Dish

Network programming, but argued he did it to learn how to combat piracy and not to damage Dish.

"Our position was that NDS was committed to anti-piracy and had never done anything to foment the piracy of the EchoStar system," Snyder said. "There was piracy by other groups, some of whom we were trying to pursue ourselves."

"We proved to the jury who the culprits were, and those culprits weren't us," he added.

Snyder also denied that NDS posted information online that would allow people to gain access to Dish Network, and said the satellite provider was able to fix the problem in no time.

T. Wade Welch of T. Wade Welch & Associates in Houston served as Dish's lead attorney, and was assisted by attorneys with DLA Piper.

Snyder was assisted by O'Melveny & Myers partner David Eberhart as well as Los Angeles-based Hogan & Hartson partners Richard Stone and Kenneth Klein.

— Craig Anderson

**Case Type:** Piracy, Corporate espionage

**Case Name:** *EchoStar Satellite Group v. NDS Group PLC*

**Defense Lawyer:** Darin Snyder,  
O'Melveny & Myers

**Plaintiff's Lawyer:** T. Wade Welch,  
T. Wade Welch & Associates