

## **STEPHEN E. SIWEK**

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### **Education**

B.A. (Economics) Boston College, 1973

M.B.A. George Washington University, 1975

### **Present Position**

Principal, Economists Incorporated

### **Previous Employment**

Senior Consultant, Snavelly, King & Associates Inc. (1975-1983)

### **Consulting Specialties**

Development and provision of expert witness testimony in connection with economic, financial and accounting issues for regulated industries including communications, energy and postal concerns.

Economic and financial consulting and expert witness testimony in antitrust, contract and bankruptcy litigation. Particular emphasis on the estimation of lost profit damages.

Economic analysis of international trade issues relating to media and copyright industries.

### **Books**

*International Trade in Computer Software*, Stephen E. Siwek and Harold W. Furchtgott-Roth, Quorum Books, Westport, Connecticut, London, 1993, ISBN: 0-89930-711-6.

## Books (continued)

*International Trade in Films and Television Programs*, Steven S. Wildman and Stephen E. Siwek, American Enterprise Institute/Ballinger Publishing Company, Cambridge, Massachusetts, 1988, ISBN: 0-88730-240-8.

*The Audiovisual Services Sector in the GATS Negotiations*, Patrick A. Messerlin, Stephen E. Siwek, and Emmanuel Cocq, AEI Press, 2004. Chapter only.

## Papers and Articles

“Telecommunications and Entertainment: Trade in Films and Television Programming,” (with Steven S. Wildman) presented at *Trade in Services and the Uruguay Round Negotiations*, the Civils, London, England, July 8, 1987 and Centre D’Etudes Pratiques De La Negociation Internationale, Geneva, Switzerland, July 10, 1987.

“The Privatization of European Television: Effects on International Markets for Programs” (with Steven S. Wildman), *Columbia Journal of World Business*, Vol. XXII, No. 3, Fall 1987.

“Europe 1992 and Beyond: Prospects for U.S. Film and Television Employment,” presented at *EC 1992: Implications for U.S. Workers*, U.S. Department of Labor, Bureau of International Labor Affairs and The Center for Strategic and International Studies, Washington, D.C., March 19, 1990.

“The Dimensions of the Export of American Mass Culture” presented at *The New Global Popular Culture*, American Enterprise Institute for Public Policy Research, March 10, 1992. Broadcast on “C-Span,” reported in AP Wire Service, *Business Week*, *The American Enterprise*, follow-up radio interview etc.

“Competing with Pirates: Economic Implications for the Entertainment Strategist,” (with Harold W. Furchtgott-Roth) *The Ernst & Young Entertainment Business Journal*, Volume 3, 1992, P. 18.

“The Economics of Trade in Recorded Media Products in Multilingual World: Implications for National Media Policies,” (with Steven S. Wildman) in *The International Market in Film and Television Programs*, Ablex Publishing Corporation, Norwood, New Jersey, 1993, ISBN: 0-89391-545-9.

“Changing Course: Meaningful Trade Liberalization for Entertainment Products in GATS,” presented at *World Services Congress 1999*, November 1, 1999.

## Papers and Articles (continued)

“Copyright Industries in the U.S. Economy: The 2002 Report,” (Reviewed and summarized in the Hungarian Journal Iparjogvedelmi Es Szerzoi Jogi Szemle) Released April 2002.

“The Measurement of “Copyright” Industries: The US Experience,” in *Review of Economic Research on Copyright Issues*, Volume 1, Number 1, June 2004, published by the Society for Economic Research on Copyright Issues.

“Changing Course: Meaningful Trade Liberalization For Entertainment Products in the GATS,” The Audiovisual Services Sector in the GATS Negotiations, AEI Press, 2004.

## Selected Studies

Siwek and Furchtgott-Roth, *Copyright Industries in the U.S. Economy*: (released in November 1990).

Siwek and Furchtgott-Roth, *Copyright Industries in the U.S. Economy: 1977 – 1990* (released in September 1992).

Siwek and Furchtgott-Roth, *Copyright Industries in the U.S. Economy: 1993 Perspective* (released in October 1993).

Siwek and Furchtgott-Roth, *Copyright Industries in the U.S. Economy: 1977 – 1993* (released in January 1995).

Siwek and Mosteller, *Copyright Industries in the U.S. Economy: The 1996 Report* (released in October 1996).

Siwek and Mosteller, *Copyright Industries in the U.S. Economy: The 1998 Report* (released in May 1998).

Siwek, *Copyright Industries in the U.S. Economy: The 1999 Report* (released in December 1999).

Siwek, *Copyright Industries in the U.S. Economy: The 2000 Report* (released in December 2000).

Siwek, *Copyright Industries in the U.S. Economy: The 2004 Report* (released in December 2004).

## **Selected Studies (continued)**

*The U.S. Software Industry: Economic Contribution in the U.S. and World Markets*, by Stephen E. Siwek and Harold W. Furchtgott-Roth, for the Business Software Alliance, March 1993.

*Engines of Growth: Economic Contributions of the U.S. Intellectual Property Industries*, by Stephen E. Siwek for NBC Universal, November 2005.

*The True Cost of Motion Picture Piracy to the U.S. Economy*, Policy Report 186, by Stephen E. Siwek for Institute for Policy Innovation, September 2006.

*The True Cost of Sound Recording Piracy to the U.S. Economy*, Policy Report 188, by Stephen E. Siwek for Institute for Policy Innovation, August 2007.

*True Cost of Recorded Music Piracy to the U.S. Economy*, by Stephen E. Siwek for Institute for Policy Innovation, August 2007.

*The True Cost of Copyright Industry Piracy to the U.S. Economy*, Policy Report 189, by Stephen E. Siwek for Institute for Policy Innovation, October 2007.

Siwek, *Copyright Industries in the U.S. Economy: The 2006 Report* (released in January 2007).

*Video Games in the 21<sup>st</sup> Century*, Economic Contributions of the US Entertainment Software Industry, by Stephen E. Siwek for Entertainment Software Association, November 2007.

*Video Games in the 21<sup>st</sup> Century: The 2009 Report*, by Stephen S. Siwek for Entertainment Software Association, 2009.

*Copyright Industries in the U.S. Economy: The 2003-2007 Report*, Prepared for the International Intellectual Property Alliance (IIPA), 2009.

*Video Games in the 21<sup>st</sup> Century: The 2010 Report*, by Stephen S. Siwek for Entertainment Software Association, 2010.

## **Continuing Legal Education Programs**

Panelist, *Monopolization Issues Affecting Computer Software*, D.C. Bar, Antitrust, Trade Regulation and Consumer Affairs Section, June 21, 1994.

**Continuing Legal Education Programs (continued)**

Panelist, *Basic Antitrust Law*, D.C. Bar/George Washington University National Law Center.

*Billing and Collection for 900-Number Calls: A Competitive Analysis*, by Stephen E. Siwek and Gale Mosteller for the Billing Reform Task Force, September 1999.

**Other**

Moderator, *Economic Loss Panel*, International AntiCounterfeiting Coalition, Fall Meetings, Washington, D.C. November 14, 1994.

Panelist, *The Economics of Counterfeiting: A Supply and Demand Look into this Multi Billion Dollar Problem*, International Anti-Counterfeiting Coalition, Annual Conference, May 21, 1999.

Advisor to the Special Master, *Aggregate Products, Inc. v. Granite Construction Company*, U.S. District Court for Southern District of California, Civil No. 98-0900 E (AJB).

Invited Expert, WIPO Working Group of Experts on the Preparation of a WIPO Handbook on Survey Guidelines for Assessing the Economic Impact of Copyright and Related Rights, Helsinki, Finland, July 2-5, 2002.

Advisor to Hungarian Patent Office. Re: Study of the Economic Contribution of Copyright-Based Industries in Hungary. Released October, 2005.

Advisor to Russian Federation, Federal Service for Intellectual Property, Patents, and Trademarks. Re: Study of the Economic Contribution of Copyright-Based Industries in Russia April 2005.

**COURT TESTIMONY AND APPEARANCES**

<b>Jurisdiction</b>	<b>Case</b>	<b>Subject</b>
U.S. District Court for Eastern District of Virginia, Alexandria Division	Eden Hannon & Co. v. Sumitomo Trust & Banking Co. (USA) Civil Action No. 89-0312A	Analysis of Financial Models, Cash Flow Analysis
Circuit Court for Pinella County, Florida	Home Shopping Network Inc. v. GTE, GTE FLA., Inc. and GTE Communications Corp. CT. Civ. 87-014199-7	Relevance of Planning & Budgeting  Reports to the Analysis of Damages
U.S. District Court for Western District of Oklahoma	Banner Industries, Inc. v. PepsiCo, Inc. CIV-85-449-R	Financial Plans Financial Viability (Deposition Testimony Only)
Circuit Court for Baltimore City	Pulse One Communications Inc. v. Bell Atlantic Mobile Systems Inc. Case No. 90108057/CC112199	Damages (Deposition Testimony Only)
Supreme Court of the State of New York County of New York	Scandinavian Gourmet Provisions, d/b/a Fredricksen & Johannesen v. Jurgela, aka Al Jurgela, aka Constantine Jurgela, aka C.R. Jurgela, Valco Equities Ltd. Charles Earle, Valco Development Corp., Chase Manhattan Bank, Clinton Barrow, Franklin Investors and Harold L. Goerlich Index No. 22891/90	Damages
Chancery Court of Davidson County, Tennessee	MCI Telecommunications Corp. v. Dudley W. Taylor etc. et al. No. 88-1227-III	Tax Treatment of Telephone Access Charges

**COURT TESTIMONY AND APPEARANCES (continued)**

<b>Jurisdiction</b>	<b>Case</b>	<b>Subject</b>
Superior Court of the District of Columbia Civil Division	Robert H. Kressin, General Partner, Cellular Phone Stores Limited Partnership v. Bell Atlantic Mobile Systems, Inc. Civil Action No. 02258-91	Damages, Cellular Telephone Industry
Court of Common Pleas First Judicial District of Pennsylvania	Shared Communications Service of 1800-80 JFK Boulevard Inc. v. Bell Atlantic Properties, Inc. et al. September Term 1900, No. 775	Damages, Telecommunications Industry
United States District Court for the Northern District of Illinois	JamSports and Entertainment, LLC, Plaintiff v. ParadamaProductions, Inc., et al. Case No. 02C 2298	Damages
Superior Court of New Jersey, Law Division, Essex County	Bell Atlantic Network Services, Inc. v. P.M. Video Corp., Docket No. L-6602- 91	Damages (Deposition Testimony Only)
U.S. District Court for the District of Columbia	FreBon International Corp. v. Bell Atlantic Corp. et al. Civil Action No. 94-324	Damages (Deposition Testimony Only)
U.S. District Court for the Eastern District of New York	Universal Contact Communications Inc. v. PageMart Inc.	Damages (Deposition Testimony Only)
U.S. District Court for District of Maryland	Integrated Consulting Services, Inc. v. LDDS	Damages (Deposition Testimony Only)

**COURT TESTIMONY AND APPEARANCES (continued)**

<b>Jurisdiction</b>	<b>Case</b>	<b>Subject</b>
U.S. District Court Eastern District of Virginia, Alexandria Division	Mexinox, S.A. et al. v. Acerinox	Antitrust Damages (Deposition Testimony Only)
U.S. District Court Eastern District of North Carolina	Broad Band Technologies, Inc. v. General Instrument Corp.	Patent Damages (Deposition Testimony Only)
International Chamber of Commerce International Court of Arbitration	WorldSpan L.P. v. Abacus Distribution Systems Pte Ltd. And Other Case No. 9833/FMS	Damages and License Valuation
U.S. District Court for Western District of Washington at Seattle Case No. C97-10732	Arbitration between Electric Lightwave, Inc., Plaintiff v. USWest Inc., Defendant	Damages
U.S. District Court for District of Maryland Civil Case No. PJM 03-307	Final Analysis Communication Services, Inc. v. General Dynamics Corp., et al.	Damages (Rebuttal Only)
U.S. District Court for the Western District of Oklahoma	Eateries, Inc. and Fiesta Restaurant, Inc. v. J.R. Simplot Company No. CIV-99-1330-C	Damages (Deposition Testimony Only)
American Arbitration Association	Arbitration Between Avecia Inc., Claimant v. Mareva Poscines Et Filtrations, S.A. Respondent	Allocation of FIFRA Data Costs



**COURT TESTIMONY AND APPEARANCES (continued)**

<b>Jurisdiction</b>	<b>Case</b>	<b>Subject</b>
American Arbitration Association	Arbitration Massillon Cable TV, Inc., Claimant v. Fox Sports Net Ohio LLC	Licensing Fees For Regional Sports Programming
Commonwealth of Massachusetts, Middlesex Superior Court	Netrix, Inc and Proteon, Inc. v. Digital Equipment Corp. and Cabletron Systems, Inc. CIV No. MICX 98-01533	Valuation of Software License
Circuit Court for the City of Richmond, VA	Interactive Return Service, Inc. v. Virginia Polytechnic Institute and State University Case No. LM 870-3	Damages (Deposition and Testimony before Judge Only)
State of Connecticut Superior Court Complex Litigation Docket	Alan M. Glazer et al. v. The Dress Barn, Inc. Case No. (X02) CV-01-0169075 S	Damages
Circuit Court of the County of St. Louis, State of Missouri	Biomedical Systems Corp. v. Mead Johnson & Company Case No. 01CC-003428	Damages (Deposition Testimony only)
Private Arbitration	Dennis M. Donovan v. Raytheon Company	Valuation of Pension Benefits
World Trade Center, Victims Compensation Fund	Raymond Murphy	(Oral Testimony and Report)
World Trade Center Victims Compensation Fund	Dennis McHugh	(Oral Testimony and Report)
World Trade Center Victims Compensation Fund	Robert Crawford	(Oral Testimony and Report)

**COURT TESTIMONY AND APPEARANCES (continued)**

<b>Jurisdiction</b>	<b>Case</b>	<b>Subject</b>
World Trade Center Victims Compensation Fund	James Corrigan	(Report)
World Trade Center Victims Compensation Fund	John Moran	(Report)
World Trade Center Victims Compensation Fund	Nathaniel Webb	(Report)
U.S. District Court for the Northern District of Illinois, Eastern Division, No. 01-C 0067	ChoiceParts, LLC v. General Motors Corporation et al.	Damages (Deposition and Report)
Commonwealth of Massachusetts, Middlesex, ss. Superior Court, Civil Action No. 01-2590	DataSafe, Inc. and David F. Muller v. Federal Express Corporation et al.	Damages (Deposition and Report)
United States District Court, Southern District Of Texas	Enron Creditors Recovery Corp. v. St. Paul Fire & Marine Insurance Company, Federal Insurance Company, The Great American Insurance Company Case No. 4:06-CV-03905	Fidelity Insurance Claim (Deposition and Report)
United States Bankruptcy Court, Southern District Of New York	CCT Communication, Inc. v. Global Crossing Telecommunication, Inc.	Damages (Deposition and Report)
American Arbitration	Armstrong Utilities, Inc. v. DirectTV Sports Net Pittsburgh	Licensing Fee for Regional Sports Programming

**REGULATORY COMMISSION TESTIMONY AND APPEARANCES**

<b>Commission</b>	<b>Docket No.</b>	<b>Subject</b>
Connecticut	96-02-22	Cost of Local Service
Wyoming	70000-TR-96-323	US WEST Phase II Price Regulation Plan
Pennsylvania	1-00960066	Financial Analysis
Pennsylvania	A-310203 F0002 et al.	Cost of Local Service
West Virginia	96-1516-T-PC et al.	Cost of Local Service
Minnesota	P-442, 5321 et al.	Generic Investigation of US WEST's Communications Cost
Iowa	RPU-96-9	Generic Investigation of US WEST's Communications Costs
Illinois	80-0511	Rate Base, Expenses, Forecasting
Maryland	7222	Power Plant Certificate Issues
District of Columbia*	777	Telephone Advertising and Parent Company Transactions
Illinois	82-0082	Gas Rate Design
Pennsylvania	M-810294	Energy Costs and Rate Design
Pennsylvania	R-822169	Nuclear Plant Economics
New Jersey	8011-827	Water and Sewerage Forecast
District of Columbia	798	Telephone Price Elasticity, Centralized Costs, Working Capital
California	83-06-65	Telephone Access Charges
Illinois	83-0142	Telephone Access Charges

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\* Prefiled but not sworn. Case Settled April, 1982.

**REGULATORY COMMISSION TESTIMONY AND APPEARANCES (continued)**

<b>Commission</b>	<b>Docket No.</b>	<b>Subject</b>
U.S. International Trade Commission	731-TA-457	Hand tools from People's Republic of China
U.S. Postal Rate Commission	R 83-1	Financial Viability for Electronic Mail Service
U.S. Postal Rate Commission	R 84-1	Class Revenue Requirement, Demand Projections
U.S. Postal Rate Commission	R 87-1	Pricing of Third Class Mail
U.S. Postal Rate Commission	R 90-1	Pricing of Third Class Mail
U.S. Postal Rate Commission	R2000-1	Pricing and Costing of Bound Printed Matter
U.S. Postal Regulatory Commission	R20006-1	Pricing and Costing of Within County Mail
Maryland	6807, Phase I	Utility Forecasting
New Jersey	762-194	Utility Forecasting
District of Columbia	685	Utility Forecasting
District of Columbia	827	Econometric Demand Modeling for Coin Telephone Service
Maryland	7149	Utility Forecasting & Promotional Activities
Maryland	7300	Utility Forecasting
Maryland	7348	Utility Forecasting
Maryland	7427	Utility Forecasting
District of Columbia	737	Utility Forecasting
Maryland	7305	Telephone Advertising

**REGULATORY COMMISSION TESTIMONY AND APPEARANCES (continued)**

<b>Commission</b>	<b>Docket No.</b>	<b>Subject</b>
Maryland	7070	Utility Promotional Activities
District of Columbia	729	Telephone Advertising & Parent Company Transactions
Maryland	6807, Phase II	Utility Emergency Procedures
Maryland	7467	Telephone Advertising, Parent Company Transactions
Maryland	7466	Gas Utility Advertising
New Hampshire	79-18	Industrial Conservation
Maryland	7236	Utility Promotional Activities
District of Columbia	834	Electric Utility Load Management Evaluation
California	85-01-034	Telephone Rate Design, Cost of Service
Massachusetts	86-213	Paging Company; Financial Viability, Pricing Analysis
District of Columbia	869	Fuel Price and Electric Demand Forecasts
Louisiana	U-17949 B	Customer Owned Coin Operated Telephones
New Jersey	TO92030358	Yellow Pages/Directory Services
Delaware	41	Development of Rules for the Implementation of Price Cap Regulation
Utah	94-999-01	Cost of Local Service
Connecticut	97-04-01	Cost of Local Service

**REGULATORY COMMISSION TESTIMONY AND APPEARANCES (continued)**

<b>Commission</b>	<b>Docket No.</b>	<b>Subject</b>
Maine	97-505	Cost of Local Service
Vermont	5713	Cost of Local Service
New York	94-C-0095	Access Charges/Financial Analysis
New Jersey	TX95120631	Access Charges/Financial Analysis
New Hampshire	DE97-171	Cost of Local Service
Colorado	97F-175T	Access Charges/Financial Analysis
Utah	97-049-08	Access Charges/Financial Analysis
Connecticut	98-04-03	Joint and Common Costs
Rhode Island	2681	Cost of Local Service
Arkansas	99-015-U	Arbitration of Interconnection Rates
Connecticut	00-01-02	Non-recurring and Recurring Costs
New Mexico	316	Inmate Phone Rates
Maryland	7163	Service Terminations
New Mexico	97-35-TC	Cost of Local Service

**WRITTEN TESTIMONY ONLY**

<b>Jurisdiction</b>	<b>Case</b>	<b>Subject</b>
U.S. District Court of Southern District of New York	In Re “Apollo” Air Passenger Computer Reservation System (CRS) MDL DKT. No. 760-M-21-49-MP	Liquidated Damages, Actual Damages
Supreme Court of the Republic of Palau	Orion Telecommunications, Ltd. v. Palau National Communications Corporations, Civil Action No. 835-88	Lost Profit Damages
U.S. District Court for the District of Columbia	A&S Council Oil Company, Inc. et al. v. Patricia Saiki, et al. Civil, Action No. 87-1969-OG	Damages
U.S. District Court for Eastern District of Texas	R & D Business Systems, et al. v. Xerox Corp. Civil Action No. 2: 92-CV-042	Valuation of Non-Monetary Provisions of Stipulation of Settlement
U.S. District Court Eastern District of Michigan, Southern Division	Little Caesar Enterprises, Inc. v. Gary G. Smith, et al. Civil No. 93-CV-73354-DT	Class Certification (Joint Declaration with Philip Nelson)
FCC	Various	Cellular Radio Pricing: Critique of Competing Applications for Cellular in Seattle, Miami, Denver and Detroit
FCC Pricing	83-1145	Directory Data Base and Access
U.S. District Court for the District of Columbia	American Association of Cruise Passengers v. Host Marriott Corp. et al.	Damages

**WRITTEN TESTIMONY ONLY**

<b>Jurisdiction</b>	<b>Case</b>	<b>Subject</b>
U.S. District Court for Eastern District of Texas	Jason R. Searcy et al. v. Philips Electronics North America Corp. et al. Consolidated Civil Action No. 1:95-CV 363, 364	Damages
U.S. District Court for Eastern District of Texas Beaumont Division	USA ex. rel. Lloyd Bortner v. Phillips Electronics	Penalties under False Claims Act
FCC	In Re: Applications of Motorola, Inc.; Motorola SMR, Inc.; and Motorola Communications and Electronics, Inc. and FCI 900, Inc. For Consent to Assignment of 900 MHz Specialized Mobile Radio Licenses DA 00-2352	Wireless Dispatch Services (with Michael Baumann)
FCC (Market Disputes Resolution)	McLeodUSA Publishing Company v. Wood County Telephone Company, Inc.	Subscriber Listing Information
FCC (Market Disputes Resolution)	Yellow Book USA, Inc. v. Broadwing Inc. and Cincinnati Bell Telephone Company	Subscriber Listing Information (Written Report and Deposition Testimony)
United States of America v. United Kingdom of Great Britain and Northern Ireland	U.S. – U.K. Arbitration Concerning Heathrow Airport User Changes	Participating in Negotiations Leading to Settlement of Arbitration and Related Litigation
FCC	In the Matter of Review of the Section 251 Unbundling Obligations of Incumbent Exchange Carriers CC Docket No 01-338	Broadband Telecommunications Services



**WRITTEN TESTIMONY ONLY**

<b>Jurisdiction</b>	<b>Case</b>	<b>Subject</b>
FCC	Core Communications, Inc. v. Verizon Maryland Inc. File No. EB-01- MD-007. Report.	Damages