

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

----- X
SAMUEL BARTLEY STEELE, :
BART STEELE PUBLISHING, and :
STEELE RECORDZ, :

Plaintiffs, : Civil Action
v. : No. 08-11727-NMG
:
TURNER BROADCASTING SYSTEM, INC., :
MAJOR LEAGUE PROPERTIES, INC., :
TIME WARNER, INC., ISLAND DEF JAM :
RECORDS, FOX BROADCASTING :
COMPANY, JOHN BONGIOVI, :
INDIVIDUALLY AND D/B/A BON JOVI :
PUBLISHING, RICHARD SAMBORA, :
INDIVIDUALLY AND D/B/A AGGRESSIVE :
MUSIC, WILLIAM FALCON, :
INDIVIDUALLY AND D/B/A PRETTY :
BLUE SONGS, UNIVERSAL-POLYGRAM :
INTERNATIONAL PUBLISHING, INC., :
SONY/ATV TUNES LLC, KOBALT MUSIC :
GROUP, A&E TELEVISION NETWORKS, :
AEG LIVE LLC, VECTOR 2 LLC, BOSTON :
RED SOX, INC., THE BIGGER PICTURE :
CINEMA CO., and MARK SHIMMEL :
MUSIC, :

Defendants. :
----- X

**DECLARATION OF SCOTT D. BROWN IN SUPPORT
OF DEFENDANTS’ MOTION FOR SUMMARY JUDGMENT
DISMISSING THE COPYRIGHT INFRINGEMENT CLAIM**

I, SCOTT D. BROWN, pursuant to 28 U.S.C. § 1746, declare and state as follows:

1. I am a member of the bar of the Commonwealth of Massachusetts and an attorney with the law firm of Skadden, Arps, Slate, Meagher & Flom LLP, counsel for certain defendants which have filed a motion for summary judgment (“defendants”).

Expert Music Analysis Submitted By Plaintiffs

2. On April 7, 2009, following receipt of this Court's Memorandum and Order of April 3, 2009 ("April 3 Order"), defendants served on plaintiffs discovery requests limited to the issue of substantial similarity, and more specifically addressed to whether plaintiffs would be relying on any independent music experts.

3. Plaintiffs' response to said written discovery requests were due on May 7, 2009. Plaintiffs did not serve any responses on said date, but did provide responses on May 31, 2009.

4. Attached hereto as Exhibit 1 is "Plaintiffs' Response to Interrogatories." As the Court can see, plaintiffs identified 14 witnesses, including plaintiff Bart Steele.

5. In addition, plaintiffs served with the interrogatory response a total of 14 statements, none of which were signed. A few included resumes of the person identified in the statement.

6. Noteworthy among the statements submitted by plaintiffs is a statement identified as being submitted by Professor Alexander Stewart. It is attached as Exhibit 2 hereto. As noted in Exhibit 1 hereto, plaintiffs state that they paid Professor Stewart \$1,000 for the analysis.

7. Plaintiffs also submitted Professor Stewart's Curriculum Vitae (see Exhibit 3 hereto). As stated on the resume, Dr. Stewart is an Associate Professor at the University of Vermont, and has a Ph.D. in music from the City University of New York.

**Transmittal Of Other Documents
For Consideration By The Court**

8. A true and correct copy of the deposit copy at the Copyright Office for copyright, PAU3-052-330, is attached hereto as Exhibit 4.

9. A true and correct copy of a transcript of the lyrics of the Bon Jovi song “I Love This Town” as it appears on the Bon Jovi album “Lost Highway” is attached hereto as Exhibit 5.

10. A true and correct copy of an audiovisual file of the promotional video (referred to by plaintiffs in the Complaint¹ as an “ad”) that Defendant Turner Broadcasting System, Inc. is alleged in paragraph 27 of the Complaint to have created to promote the 2007 postseason (the “TBS Promo”) is contained in the DVD attached hereto as Exhibit 6.

11. A true and correct copy of a transcript of the lyrics of the Bon Jovi song “I Love This Town” as it appears in the TBS Promo is attached hereto as Exhibit 7.

12. A true and correct copy of the audiovisual file submitted as part of Exhibit I to the original Complaint, which is comprised of an overlay of the TBS Promo visuals with Steele’s song, is contained on the CD attached hereto as Exhibit 8.

13. A true and correct copy of two audio recordings, previously submitted by plaintiffs, comparing what Mr. Steele has referred to as his song’s “chorus hook” (“Man I Really Love This Team”) with the last line of the Bon Jovi song (“That’s Why I Love This Town”) is contained in the DVD attached hereto as Exhibit 9.

14. A true and correct print out of search results of a search undertaken via the ASCAP online song database available at <http://www.ascap.com/ace/search.cfm?mode=search> for songs that use “I love this ___” in their titles is attached hereto as Exhibit 10.

15. A true and correct print out of search results of a search undertaken via the BMI online song database available at <http://repertoire.bmi.com/startpage.asp> for songs that use “I love this ___” in their titles is attached hereto as Exhibit 11.

¹ “Complaint” refers to the Amended Complaint dated January 30, 2009.

16. A true and correct copy of the report of defendant's expert, Anthony Ricigliano, verified May 12, 2009, and the Addendum thereto, verified June 8, 2009, are attached hereto as Exhibit 12.

17. The Bon Jovi album Lost Highway, which includes the song "I Love This Town," was released to the public in or about June 2007.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 10, 2009 in Boston, Massachusetts.

/s/ Scott D. Brown
Scott D. Brown

CERTIFICATE OF SERVICE

I, Scott D. Brown, 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 June 10, 2009.

Dated: June 10, 2009

/s/ Scott D. Brown
Scott D. Brown

Exhibit 1

Plaintiffs' Response to Interrogatories

1. Chadbyrne Dickens 79 Reynolds Lane, Woodstock, NY 12409 (845)-684-5028
Resume attached. No compensation paid.
2. Jonathan Yasuda 21 Beacon St., Boston, MA 02108 (508)-769-1998
Resume attached. Professional Musician with intricate knowledge of both copyright law/temp tracking/derivative rights/sync rights. No compensation paid.
3. Joel Ellis PO Box 3611, Chatsworth, CA 91313-3611 (818)-355-6722
Professional Performer, Songwriter, Producer, Temp Track and Film Score Expert. No compensation paid
4. Chris Faraone 17 Boynton St., Jamaica Plain, MA 02130 (917)-771-3663
Professional Music Journalist for Boston Magazine, The Boston Herald, The Weekly Dig, and The Boston Phoenix. Researched this case for 2 months and followed Mr. Steele out to the ASCAP music convention to see if they followed through with their stated goal of "getting the parties together" as Bon Jovi and Mr. Steele were both at the same convention. Author of the Boston Magazine article from June 2008 after Mr. Steele decided that going public was the only way to protect his copyrights. No compensation paid.
5. Richard Carapeeza 1652 E.Sunnyside Ave., Salt Lake City, UT 84105
(801)-638-2448
Berklee College of Music. Expert in both music and film. Temp Track Expert. No compensation paid.
6. Carly Sakolove 35 St. Nicholas Terrace #63, NY, NY 10027 (561)-452-2787
BFA in Musical Theater from The Boston Conservatory. Witness of the ASCAP statements that they "found it hard to believe this was independent creation with the whole video and baseball thing". When Mr.Steele asked to see their musicologist's report they said they were getting, Ms. Sakolove witnessed ASCAP tell Mr.Steele they didn't need a musicologist's report and that this "sort of thing happened all the time in the music and advertising business". No compensation paid.
7. John Cadiz 165 Winnisimmet St. #3D, Chelsea, MA 02150 (617)-869-8755
Former Marine, Education in Accounting and Real Estate. Witnessed Mr. Steele's attempts at selling his song to MLB/Red Sox. Ordinary observer's opinion on substantial similarity. No compensation paid.
8. George Christodal III 5 Lemon St., Salem, MA 01970 (617)-686-5123
College of Charleston, Musician, Real Estate Agent. Ordinary observer's opinion on substantial similarity. No compensation paid.
9. Shaun M. Risley 1134 Roslyn St., Denver, CO 80220 (720)-841-7660
Resume included in affidavit. Another ordinary observer not constrained by the current music copyright's arcane musicologist lexicon. No compensation paid.

10. Alexander Stewart University of Vermont, Department of Music, Burlington, VT 05405 (802)-656-7766 Long Island Univ. *summa cum laude* in Music Education, Manhattan School of Music-Master of Music, Ph.D. Ethnomusicology- City University of New York. Resume attached. Compensation paid: \$1000.00

11. Stephen Murphy 326 Chartier Hill Road, East Calais, VT 05650 (802)-454-1025 Colby College 1992. Professional musician and filmmaker. No compensation paid.

12. Mark Ferraguto 700 Stewart Ave. #35, Ithaca, NY 14850 (781)-572-4951 BA in Musicology, Education history included in affidavit. No compensation paid.

13. Shawn Coyle (owner of Ferry Street Ink) 8 Ferry St., Everett, MA 02149 (617)-389-8280 (shawn@ferrystreetink.com) Professional Artist and owner of Ferry Street Ink. Yet another ordinary observer who thought the MLB BJ ad version was my song. No compensation paid.

14. Bart Steele 80 Park St., Chelsea, MA 02150 (508)-737-5235 Temp Track Victim of both Unfair Business Practice and Copyright Infringement even though the current laws say it must be one or the other. Obviously NO COMPENSATION PAID. Bart's affidavit will NOT be included as it will be the Plaintiff's summary judgement motion instead.

Exhibit 2

“I Love this Team/Town”

Informal analysis

(harmonic analysis uses Roman numerals; melodic analysis uses Arabic numerals)

Melody

Hook

Team (“Man I really love this team”): 5-5-5-5-4-b3-1

Town (“That’s why I love this town”): 3-2-1 3-2-1

Team (“Have you heard the news that’s goin’ ‘round, 3-5-1-1-1-5-b3-2-1:

Town (“I always knew, that I’d like this place”): 1-1-1-1 7-7-6-6-6-5

(“You don’t have to look too far, to find a friendly face”) 1-1-1-1-1-6 1-2-2-2-1-1

Team (“Get up off your seats, everybody scream”) 5-5-5-5-4 5-5-5-5-4

LyricsMan I really love this teamThat’s why I love this town

Only three words in common (“I” “love” “this”)

Bon Jovi’s song about a town (it’s very vague, without the video, there would be no connection to baseball)

In Bart’s song, the subject is clearly baseball and specifically the Red Sox)

Harmony

Both songs are predominantly I, IV, V chords

Hook: Team (“Get up off your seats, everybody scream, man I really love this town”) V

IV V IV V IV [bVII VII] I (“blues dominant section – last 4-bars”)

Town (“I always knew, that I’d like this place” “That’s why I love this town”)

IV V I I

IV V I I

Rhythm

Both songs share some common rhythmic figures, phrase length, scansion (analysis of verse into metrical patterns), but also significant differences exist

Form

Team: 12-bar blues with 8-bar bridge (AABA A= 12-bar blues; B= IV IV I I IV IV VV one bar each) INTRO baseball cheer organ and 4 bars I chord

Town: AABCCBC A=8 bars; B=5 bars; C=4 bars INTRO first four measures of A section rubato (slow, free tempo)

Tempo/beat/groove

Similar “standard” rock beat (Bon Jovi slightly faster)

Instrumentation/orchestration/arrangement

Common rock configuration

Bon Jovi (guitars, bass, drums, ...)

Bart (guitars, piano, drums, bass...)

Musicological issues

1) Must show “striking similarity” between two works

a) lyrics and melody generally considered most important elements

b) other elements (harmony, rhythm, form/structure, subject matter, etc.) can bolster a case significantly

2) Originality of earlier work; defense will search for existence of “prior art”

However, legally, threshold for originality has been rather low

Access issues

Must show defendant could have had access to earlier work

This case is not strong musicologically:

Melody of “hook” has only one note in common (1).

Three words in common, but not the most distinctive word, “team.”

Harmony is commonplace. Both tunes consist primarily of I, IV, and V chords – the most commonly used chords in harmony. Moreover, “Team” is a 12-bar blues. One of the most distinctive harmonic figures in “Team,” the chromatic chord change (D-D#-E) at the end of the hook, is not found in “Town.”

Hook in “Town” begins on the IV chord (progression IV V I); hook of “Team” begins on V (progression V IV I).

Bon Jovi song has somewhat irregular structure: 5-bar “B section”; “Team” is regular 4- and 8-bar sections

“Access” case quite strong because of “temp track” and other history, but questionable how far this could go without more evidence of musical similarity. Too bad, because it seems your client got a raw deal. His story would play well in a courtroom, but unless I’ve missed something, it could be hard to present a case of MUSICAL plagiarism. Defense would be sure to come up with tons of examples of “prior art” (e.g., songs containing the words “I love this...”) in order to dispute the originality of any alleged similarities.

Exhibit 3

Curriculum Vitae
Alexander Stewart
2009

Department of Music
University of Vermont
Burlington, VT 05405
(802) 656-7766
astewart@uvm.edu

Teaching Positions

UNIVERSITY OF VERMONT 1999-present
Associate Professor
Jazz Studies Coordinator
Director, Integrated Fine Arts Program
Co-Director, Latin American Studies Program (Spring 2006)
Fulbright Fellow, Mexico (2006-7)

LONG ISLAND UNIVERSITY 1988-1999
C.W. Post Campus
Director of Jazz Studies

Adjunct courses:
The New School (Jazz and American Culture) 1995-1997
John Jay College of CUNY (History of Jazz and Rock) 1995

Education

GRADUATE CENTER: THE CITY UNIVERSITY OF NEW YORK
Ph.D. in Music (Ethnomusicology Concentration), 2000
Dissertation: *Composition and Performance in Contemporary New York City
Big Bands (1989-1999)* Advisor: Stephen Blum

MANHATTAN SCHOOL OF MUSIC
Master of Music, 1991

LONG ISLAND UNIVERSITY, C.W. POST
B.F.A., *summa cum laude*, in Music Education, 1988

SELECTED PROFESSIONAL ACTIVITIES

Publications – books

Making the Scene: Contemporary New York City Big Band Jazz, Berkeley: University of California Press, 2007.

Spanish translation from the French and German: Hans Bodenmann, *El ABC de la Flauta Dulce*. Zurich: Anton Peterer Music & Books, 2003.

Publications – refereed journals

Review of Ben Ratliff, *Coltrane: The Story of a Sound in Jazz Perspectives* 2(1):103-109 (2008).

“Contemporary New York City Big Bands: Composition, Arranging, and Individuality in Orchestral Jazz,” *Ethnomusicology* 48(2) (Spring/Summer 2004): 169-202.

Review of *The New Grove Dictionary of Jazz*. *Ethnomusicology* 47(3) (Fall 2003): 376-80.

Essay review of Lewis Porter, *John Coltrane: His Life and Music*. *Annual Review of Jazz Studies* 11, 2000-1 [2002]: 237-52.

“‘Funky Drummer’: New Orleans, James Brown and the Rhythmic Transformation of American Popular Music,” *Popular Music* 19(3) (Winter 2000): 293-318.

Review of Scott DeVeaux, *The Birth of Bebop*, *Yearbook of Traditional Music* 30 (1998): 135-7.

Publications – other

“Second Line,” *Encyclopedia of Popular Music of the World*. London: Cassell 2003.

Lectures, Colloquia, and Conference Papers

“Performing Race: Afro-Mexicans and Multiculturalism in Oaxaca’s Guelaguetza.” Paper to be presented at the Latin American Studies Association (LASA) XXVIII International Congress, “Rethinking Inequalities” Rio de Janeiro, Brazil, 12 June 2009.

La chilena oaxaqueña: “El gusto de mi region.” Paper presented at the annual conference of the Sonneck Society for American Music (SAM), Denver, CO, 19-22 March 2009.

Insights FlynnArts. Pre-concert lecture on Maria Schneider and her Orchestra. 22 January 2009. Amy E. Tarrant Gallery at the Flynn Center for the Performing Arts.

“Performing Race: Afro-Mexicans and Multiculturalism in Oaxaca’s Guelagueta Festival.” Paper presented at the annual meeting of the Society for Ethnomusicology (SEM), Wesleyan University, Middletown, CT, 28 October 2008.

“*La Danza de las Diablas*”? Race, Gender, and Local Identity in Afro-mestizo communities of Mexico’s Costa Chica. Paper presented at the annual meeting of the Society for Ethnomusicology, Columbus, OH, 28 October 2007.

“*Son de las Barricadas*”: Songs of Protest from the Spanish Civil War to the Present on Oaxaca’s Radio APPO.” Hispanic Forum, University of Vermont, 10 October 2007.

“Cross-Cultural Learning through Music and Dance: A UVM Class in Guantánamo, Cuba.” Presentation to the UVM College of Arts and Sciences Advisory Board, April 2004.

“Beauty and the Beast: Maria Schneider’s *Wyrgly*.” Paper presented at special session of the joint meetings of Society for Music Theory (SMT) and the American Musicological Society (AMS), “Women in Jazz: Voices and Roles,” Columbus, OH, 1 November 2002.

“On the Edge: Sue Mingus and the Mingus Big Band.” Colloquium at the University of Illinois (Urbana and Champaign), 6 March 2002.

“*Blood on the Fields: Wynton Marsalis and the Transformation of the Lincoln Center Jazz Orchestra.*” Paper read at the 2001 annual meeting of the SEM in Detroit, October 2001.

“The Jazz Concerto as Collaborative Work: Jim McNeely’s ‘Sticks.’” Paper read at the joint meeting of the Society for Music Theory (SMT) and other major music societies in Toronto, 4 November 2000.

“New York City Big Bands and the Professional Jazz Musician.” Paper read at the annual meeting of the Society for Ethnomusicology (SEM) in Bloomington, IN, 24 October 1998.

“The Compositions of John Coltrane.” Lecture delivered at Manhattan School of Music, April 1998.

“From Mardi Gras to Funk: Professor Longhair, James Brown and the Transformation of Rhythm and Blues.” Paper read at joint meeting of the Society for Ethnomusicology (SEM) and the International Association for the Study of Popular Music (IASPM) in Pittsburgh, PA, October 1997.

Grants and Awards

Joan Smith Faculty Research Support Award *Performing Race: Afro-Mexicans, Multiculturalism, and the "Black Pacific."*

Lattie F. Coor Award for International Travel to present paper at the Latin American Studies Association (LASA) Congress in Rio de Janeiro, Brazil. June 2009.

Fulbright Research Fellowship to Mexico, Afro-Mexican music, 2006-7.

UVM Arts and Sciences Dean's Fund for Faculty Development, Fall 2005.

UVM Humanities Center Research Grant, Spring 2004.

UVM Global Outreach Committee Grant, March 2003.

UVM Arts and Sciences Faculty Development Grant for study in Cuba, May 2002.

2001 Barry S. Brook Award for best dissertation in music CUNY.

CUNY Dissertation Year Fellowship 1998-1999.

Music Copyright

Testimony in trial in Federal District Court, Nashville TN, Case No. 3:01-780, Bridgeport Music v. Universal Music. February 2007.

Testimony in Federal District Court, Nashville, TN Case No. 3:01-0155 involving rap artist, the Notorious B.I.G and the Ohio Players. (March 2006).

Expert reports in forensic musicology for Rawson, Merrigan & Litner, Greenfield and Boston, MA. December-January 2008-2009; King and Ballow, Nashville, TN; Schwartz Cooper, Chicago, IL; and others.

Symposium on Music Copyright, flautist James Newton discusses his lawsuit against the Beastie Boys. University of Vermont, January 2003.

Board Memberships

Friends of Indian Music and Dance (FIMD), Burlington VT

Burlington Discover Jazz Festival

University of Vermont Latin American Studies (LAS) Program

Professional Societies

Society for Ethnomusicology (SEM)

Society for American Music (Sonneck)

American Musicological Society (AMS)

Latin American Studies Association (LASA)

Exhibit 4

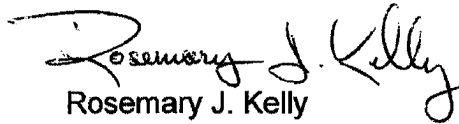
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of the United States
WASHINGTON, D.C.

THIS IS TO CERTIFY that the attached additional certificate is a claim of copyright for "THE COLLECTION" registered under number **PAu 3-052-330**. This work was registered in accordance with provisions of the United States Copyright Law. (Title 17 United States Code)

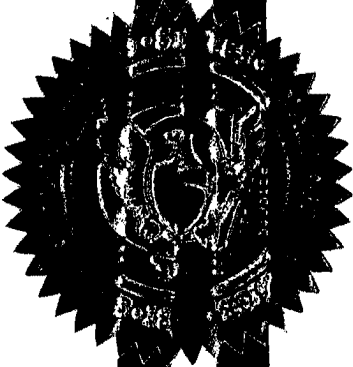
THIS IS TO CERTIFY ALSO, that the attached photocopies and compact disc are a true representation of the work entitled "THE COLLECTION" deposited in the Copyright Office on June 30, 2006 with claim of copyright registered under number **PAu 3-052-330**.

IN WITNESS WHEREOF, the seal of this Office is affixed hereto on December 12, 2008.

Marybeth Peters
Register of Copyrights



Rosemary J. Kelly
Head
Records Research and
Certification Section
Information and Records
Division



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Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, United States Code, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Marybeth Peters
 Register of Copyrights, United States of America

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 REGISTRY
PAu3-052-330
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 6 30 06
 Month Day Year

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

TITLE OF THIS WORK ▼
"The Collection"

PREVIOUS OR ALTERNATIVE TITLES ▼
"Greatest Hits"

NATURE OF THIS WORK ▼ See instructions
"Words and Music"

NAME OF AUTHOR ▼ Samuel Bartley Steele DATES OF BIRTH AND DEATH
 Year Born 1971 Year Died —

Was this contribution to the work a "work made for hire"? Yes No
 AUTHOR'S NATIONALITY OR DOMICILE Name of Country OR Citizen of USA Domiciled in Boston, USA
 WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK Anonymously? Yes No Pseudonymously? Yes No

NATURE OF AUTHORSHIP Briefly describe nature of material created by this author in which copyright is claimed. ▼
Words and Music

NOTE

Under the law, the "author" of a "work made for hire" is generally the employer, not the employee (see instructions). For any part of this work that was "made for hire" check "Yes" in the space provided, give the employer (or other person for whom the work was prepared) as "Author" of that part, and leave the space for dates of birth and death blank.

NAME OF AUTHOR ▼ DATES OF BIRTH AND DEATH
 Year Born ▼ Year Died ▼

Was this contribution to the work a "work made for hire"? Yes No
 AUTHOR'S NATIONALITY OR DOMICILE Name of Country OR Citizen of _____ Domiciled in _____
 WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK Anonymously? Yes No Pseudonymously? Yes No

NATURE OF AUTHORSHIP Briefly describe nature of material created by this author in which copyright is claimed. ▼

NAME OF AUTHOR ▼ DATES OF BIRTH AND DEATH
 Year Born ▼ Year Died ▼

Was this contribution to the work a "work made for hire"? Yes No
 AUTHOR'S NATIONALITY OR DOMICILE Name of Country OR Citizen of _____ Domiciled in _____
 WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK Anonymously? Yes No Pseudonymously? Yes No

NATURE OF AUTHORSHIP Briefly describe nature of material created by this author in which copyright is claimed. ▼

YEAR IN WHICH CREATION OF THIS WORK WAS COMPLETED 2006 DATE AND NATION OF FIRST PUBLICATION OF THIS PARTICULAR WORK
 This information must be given in all cases. Complete this information ONLY if this work has been published. Month _____ Day _____ Year _____ Nation _____

COPYRIGHT CLAIMANT(S) Name and address must be given even if the claimant is the same as the author given in space 2. ▼
Samuel Bartley Steele
80 Park St., Chelsea, Ma. 02150

TRANSFER If the claimant(s) named here in space 4 is (are) different from the author(s) named in space 2, give a brief statement of how the claimant(s) obtained ownership of the copyright. ▼

APPLICATION RECEIVED
JUN 30 2006
 ONE DEPOSIT RECEIVED
JUN 30 2006
 TWO DEPOSITS RECEIVED
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See instructions before completing this space.

MORE ON BACK ▶ • Complete all applicable spaces (numbers 3-9) on the reverse side of this page.
 • See detailed instructions. • Sign the form at line 8.

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 Page 1 of 2 pages

EXAMINED BY _____
 CHECKED BY Andy
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 Yes

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

PREVIOUS REGISTRATION Has registration for this work, or for an earlier version of this work, already been made in the Copyright Office?
 Yes **None** If your answer is "Yes," why is another registration being sought? (Check appropriate box.) If your answer is No, do not check box A, B, or C.
 a. This is the first published edition of a work previously registered in unpublished form.
 b. This is the first application submitted by the author as copyright claimant.
 c. This is a changed version of the work, as shown by space 6 on this application.
 If your answer is "Yes," give Previous Registration Number Year of Registration

DERIVATIVE WORK OR COMPILATION Complete both space 6a and 6b for a derivative work; complete only 6a for a compilation.
 Preceding Material Identify any preceding work or works that this work is based on or incorporates.

Material Added to This Work Give a brief general statement of the material that has been added to this work and in which copyright is claimed.

See instructions before completing this space.

DEPOSIT ACCOUNT If the registration fee is to be charged to a Deposit Account established in the Copyright Office, give name and number of Account.
 Name Account Number

CORRESPONDENCE Give name and address to which correspondence about this application should be sent. Name/Address/Apt./City/State/ZIP

Also code and daytime telephone number
 Samuel Bartley Steele
 80 Park St.
 Chelsea, MA. 02150
 Fax number (617, 466-1125)
 Email bartsteel@comcast.net

CERTIFICATION I, the undersigned, hereby certify that I am the

- Check only one Author
 other copyright claimant
 owner of exclusive rights)
 authorized agent of

Name of author or other copyright claimant, or owner of exclusive rights
 of the work identified in this application and that the statements made by me in this application are correct to the best of my knowledge.

Type or printed name and date If this application gives a date of publication in space 5, do not sign and submit it before that date.

Samuel Bartley Steele
 Date 06/21/06
 Handwritten signature (S)

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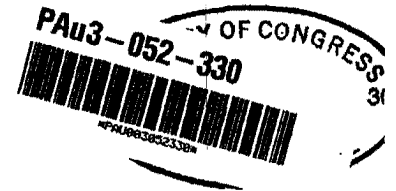
Name <input type="checkbox"/>	Samuel Bartley Steele
Number of copies <input type="checkbox"/>	80 Park St.
City/State/Zip <input type="checkbox"/>	Chelsea, Mass. 02150

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 2. Registration form
 3. Identification tag (to be placed on every copy of the work)
 4. Payment to Register of Copyrights in the amount of \$35
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 222 Rosewood Drive
 Danvers, MA 01923
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 Washington, D.C. 20003-0000

For application fee information, visit our website at www.copyright.gov or call 1-877-909-8372

***17 U.S.C. § 408(d):** Any person who knowingly makes a false representation of a material fact in the application for copyright registration provided for by sections 408, or to any written statement filed in connection with the registration, shall be fined not more than \$2,500.





The Day Diana Died
Words and Music by Bart Steele

The moon was out on a cold May night in 75' they began our fight.
Col.Stark and the north shore boys, crossed the creek
and (they made some noise) x 2

Bullets fly and people they die and only shoot at the whites of their eyes
Putnam came with a couple more men and then the tides
(they crept away) x 2

And she tried to run away and live to fight another day
With six 4 pounders and 12 swivel guns
the day undone the battle won
it was the day Diana died.

(Solo)

Can you see by the early dawn's light on Admiral's Hill they began our fight
She's burnin' up she's layin on her side, a nation was born
(but we all still cry) x 2

And she tried to run away and live to fight another day
With six 4 pounders and 12 swivel guns
the day undone the battle won
it was the day Diana died. x 2

Think I Met An Angel Last Night
Words and Music by Bart Steele

Think i met an angel last night, I tried to let go but she held me tight
She came down from the heavens and
she shined her light so bright oh yah!
And I think I met an angel last night.

Wonder how she fell into my world
dressed in whiet she slipped into my room
She clipped her wings She lost her job
She fell down from the sky oh yah

(solo)

Bridge : (If i could have you for just a moment
we'd slip away to that place we found
I love you baby with one condition
I'll stick around and wait for you.) X 2

Think i met an angel last night, I tried to let go but she held me tight
She came down from the heavens and
she shined her light so bright oh yah!
And I think I met an angel last night.

Wonder how she fell into my world
dressed in whiet she slipped into my room
She clipped her wings She lost her job
She fell down from the sky oh yah

Rain On Me

Words and Music by Bart Steele

On a winter day long ago, to the beach
You decided to go
Went with your camera, some notes to play
yesterdays tomorrow will soon be today

And those clouds float toward you
And the sky was blue.

Then you played your passion and love
Had no sight what was above
was no cold no fear or pain
It was your life now it's our refrain.

And those clouds float toward you
And the sky was blue.

Don't be sorry for caring too much
Passion can be the Midas touch
As those days pass me by
your just like a cloud in the sky

Now its the time moment of youth
For most of my life and all of my youth
Enloe McClain Abernethy
Don't Let'm Rain Rain on me!

And those clouds float toward you
And the sky was blue.

Don't be sorry for caring too much
Passion can be the Midas touch
As those days pass me by
your just like a cloud in the sky.

Don't Let'm Rain Rain on me! - Repeat

Nineteen

Words & Music by Bart Steele

V1: Have You ever been with a rock and roll queen
Finest girl you ever seen she was just nineteen

CH1: she'll take you for a ride
come and get inside
eat you up and wave bye bye
all she wants to do is FLY

V2: Fly away with me, how sexy we could be!
No one will ever see
Fly away with me

CH2: she'll take you for a ride
come and get inside
eat you up and wave bye bye
all she wants to do is FLY

(solo over verse)

CHORUS 3

Verse 2

Room With A View by Bart Steele © 2006

(V1) Bm-D-E-A repeats

Welcome to my room w/ a view, there's really nothing else I can do from inside of this womb.

I can hear lots of screams, they ain't ready for me or so it seems.

You can still abort, you wont get sued for no tort in no court of law.

I can still relate..people break contracts every goddamn day (Bm-A-G-F#7)

(V2) Bm-D-E-A

Wow, that was some ultra sound...even if ya dont want me around these parts

I just wanna live, I promise there's a lot I can give to this screwed up world.

Gimme one last chance..to rock out the world and to make everybody dance

From my room with a view, there's really nothing else I can do from inside of this womb (Bm-A-G-F#7)

Man, I Really Love This Team

music by Bart Steele

lyrics by Bart Steele 75% Robert Peterson 25%

Have You heard the news thats goin' round?
Our Hometown team is series bound
(or: there's a great big trophy here in town)
Word is out on Yawkey Way
Our boys in red have come to play
Get up off your seats, Everybody scream
Man, I really love this team!

The Yankees, Royals and the Rays,
The Tigers, Rangers and The Jays
Just ask Rem-Dawg in the box
Anyone will tell you Boston Rocks!
Get up off your seats, Everybody scream
Man, I really love this team!

Got to keep believin, gotta stay tough
gotta keep the faith, gotta cowboy up!
(or: cause Babe we've had enough)
Stand up proud Say it loud c'mon and let'm know
(Here we go Red Sox here we go) X2

From Landsdown Street to Pesky's Pole
From Cooperstown in days of old
Feel that spirit far and near
Those Fenway fans begin to cheer
Get up off your seats, Everybody scream
Man, I really love this team!

Love Ray by Bart Steele © 2006

Intro Em-G-B-C

(V1) Em(g)Em-D-open c#-c-g-Em (B-g-A-g-Em_
I beg for forgiveness, please bless my soul
You always take the lead then you take control
Tie me up in shackles n' whip me to the bone
I just have some fears of being left alone.

(intro part)

(V2)

At the break of dawn, your sun it never stays long
Besides you would not like me if you knew my song.
I always let you pain me...it's the safest place
I'd do anything to see that smile on your face.

(CH) d-b-G-B-C

And I try to get away from your love ray
I get blind from the light you shine my way
(But your sun never goes down at the end my day)

(V3)

I love it and I hate it, now please let me go
You've got some shady business and I can't miss my show
Just a word before I go out on the road
Here's my middle finger, now I'll lighten my load.

Repeat Chorus-Vamp

Everything At Once by Bart Steele © 2006

(V1) D x 4 then G-Em-D

I just wanna be....left alone, just hide in my dark....a nobody.
I will run to the place i was before.....I will run.

(V2)

No I dont need no sympathy, I turned on the lights and i did see,
my angle, she was runnin next to me....runnin' free.

Bm-Bb-D Bm-Bb-G-Em

(Ch)-(Oh, i did see.....all the memories, of my life)

(And the picture frames...they cut me like a knife....like a knife)

(V3)

I just wanna be....be drug free, just feel my pity in this big city,
I did run to the stage i was before.....I did run.

(Chorus)

(V4)

I just wanna be....left alone, n' be ADD, alone in my home,
I can do everything at once.....at one time (repeat line 3 times)

(Repeat chorus w/ last verse....'I can do everything....at one time')

"The Collection"

Bart Steele
(Samuel Bartley Steele)

- 1) Taxi to the Taj
- 2) Everything at Once
- 3) ~~Jenny's Song~~ (Runnin' Away)
- 4) Room With A View
- 5) Nineteen (she was just)
- 6) Man, I Really Love This Team
- 7) Rain On Me
- 8) I Think I Met An Angel
- 9) Love Ray
- 10) The Day Diana Died

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Exhibit 5

I Love This Town

(Bon Jovi, "Lost Highway")

I always knew that I liked this place
You don't have to look too far to find a friendly face
And I feel alive when I'm walkin' on this street
I feel the heart of the city pounding underneath my feet

Yeah, let the world keep spinning 'round and 'round
This is where it all goes down, down, down
That's why I love this town
That's why I keep comin' 'round

Say hey; (Say hey); Say yeah; (Say yeah)

You make me feel at home somehow right now
That's why I love this town

I got some good friends here, I might have broke a heart or two
It's gettin' loud over there, the boys must have had a few
There's a cop on the corner, he knows everybody's name
And a kid with a dream singin' for some spare loose change

Yeah, let the world keep spinning 'round and 'round
This is where it all goes down, down, down
That's why I love this town
That's why I keep comin' 'round

Say hey; (Say hey); Say yeah; (Say yeah)

You make me feel at home somehow right now
That's why I love this town

They're shoutin' from the rooftops, dancin' on the bars
Hangin' out the windows, drivin' in their baby's cars
You want it, you got it, you're ready, I'm on it
Come on now, here we go again

That's why I love this town
That's why I love this town

No matter where you're from, tonight you're from right here
This is where it all goes down, down, down
That's why I love this town

Say hey; (Say hey); Say yeah; (Say yeah); I love this town

Say hey; (Say hey); Say yeah; (Say yeah); I love this town

Say hey; (Say hey); Say yeah; (Say yeah); I love this town

Say hey; (Say hey); Say yeah; (Say yeah); I love this town



BON JOVI

LOST HIGHWAY

ONE STEP CLOSER

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I'VE SEEN THE HEART OF DARKNESS / LET'S JUST SAY I CROSSED OVER THAT LINE / HELD HANDS WITH THE HOPELESS / IN TOO DEEP ON THAT RIDE / WENT AROUND ONE MORE TIME / WHEN YOU'RE STANDING ON THE EDGE / YOU DON'T LOOK DOWN / TILL YOU'RE READY AND WILLING TO FLY / NOW I'M ONE STEP CLOSER / WITH MY ARMS OPEN WIDE / I'M ONE STEP CLOSER / AND I'M WILLING TO TRY THIS TIME / I HITCHED A RIDE WITH FORGIVENESS / IN THAT RIVER OF EMOTION / I WENT DOWN A THIRD TIME / I SPENT THE NIGHT WITH THE LIVING / TOOK A CHANCE LOOKED INSIDE / DIDN'T KNOW WHO I'D FIND / STANDING ON THE CORNER OF HELLO AND GOODBYE / ALL ALONE IT'S THERE I MADE UP MY MIND / I'M ONE STEP CLOSER / WITH MY ARMS OPEN WIDE / I'M ONE STEP CLOSER / AND I'M WILLING TO TRY / I'M SICK OF GIVING UP / WITH A LITTLE LUCK / I'M GONNA GET OUT OF HERE / WHEN YOU'RE STANDING ON THE EDGE / YOU DON'T LOOK DOWN / TILL YOU'RE READY AND YOUR WILLING TO FLY / NOW I'M ONE STEP CLOSER / WITH MY ARMS OPEN WIDE / I'M ONE STEP CLOSER / AND I'M WILLING TO TRY / I'M ONE STEP CLOSER / I'M ONE STEP CLOSER

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I LOVE THIS TOWN

I ALWAYS KNEW THAT I LIKED THIS PLACE / YOU DON'T HAVE TO LOOK TOO FAR TO FIND A FRIENDLY FACE / I FEEL ALIVE WHEN I'M WALKING ON THIS STREET / I FEEL THE HEART OF THE CITY, POUNDING UNDERNEATH MY FEET / LET THE WORLD KEEP SPINNING ROUND, AND ROUND / THIS IS WHERE IT ALL GOES DOWN, DOWN, DOWN / THAT'S WHY I LOVE THIS TOWN / THAT'S WHY I KEEP COMING ROUND / SAY HEY, SAY YEAH / YOU MAKE ME FEEL AT HOME SOMEHOW RIGHT NOW / THAT'S WHY I LOVE THIS TOWN / I GOT SOME GOOD FRIENDS HERE / I MIGHT HAVE BROKE A HEART OR TWO / IT'S GETTING LOUD OVER THERE / THE BOYS MUST HAVE HAD A FEW / THERE'S A COP ON THE CORNER / HE KNOWS EVERYBODY'S NAME / AND A KID WITH A DREAM SINGING FOR SOME SPARE LOOSE CHANGE / LET THE WORLD KEEP SPINNING ROUND AND ROUND / THIS IS WHERE IT ALL GOES DOWN, DOWN, DOWN / THAT'S WHY I LOVE THIS TOWN / THAT'S WHY I KEEP COMING ROUND / SAY HEY, SAY YEAH / YOU MAKE ME FEEL AT HOME SOMEHOW RIGHT NOW / THAT'S WHY I LOVE THIS TOWN / THEY'RE SHOUTING FROM THE ROOFTOPS / DANCING ON THE BARS / HANGING OUT THE WINDOW DRIVING IN THEIR BABY'S CAR / YOU WANT IT YOU GOT IT / YOU READY I'M ON IT / COME ON NOW HERE WE GO AGAIN / THAT'S WHY I LOVE THIS TOWN / THAT'S WHY I LOVE THIS TOWN / NO MATTER WHERE YOU'RE FROM / TONIGHT YOU'RE FROM RIGHT HERE / THIS IS WHERE IT ALL GOES DOWN, DOWN, DOWN / THAT'S WHY I LOVE THIS TOWN / SAY HEY, SAY YEAH / I LOVE THIS TOWN / SAY HEY, SAY YEAH / I LOVE THIS TOWN / SAY HEY, SAY YEAH / I LOVE THIS TOWN / SAY HEY, SAY YEAH / I LOVE THIS TOWN

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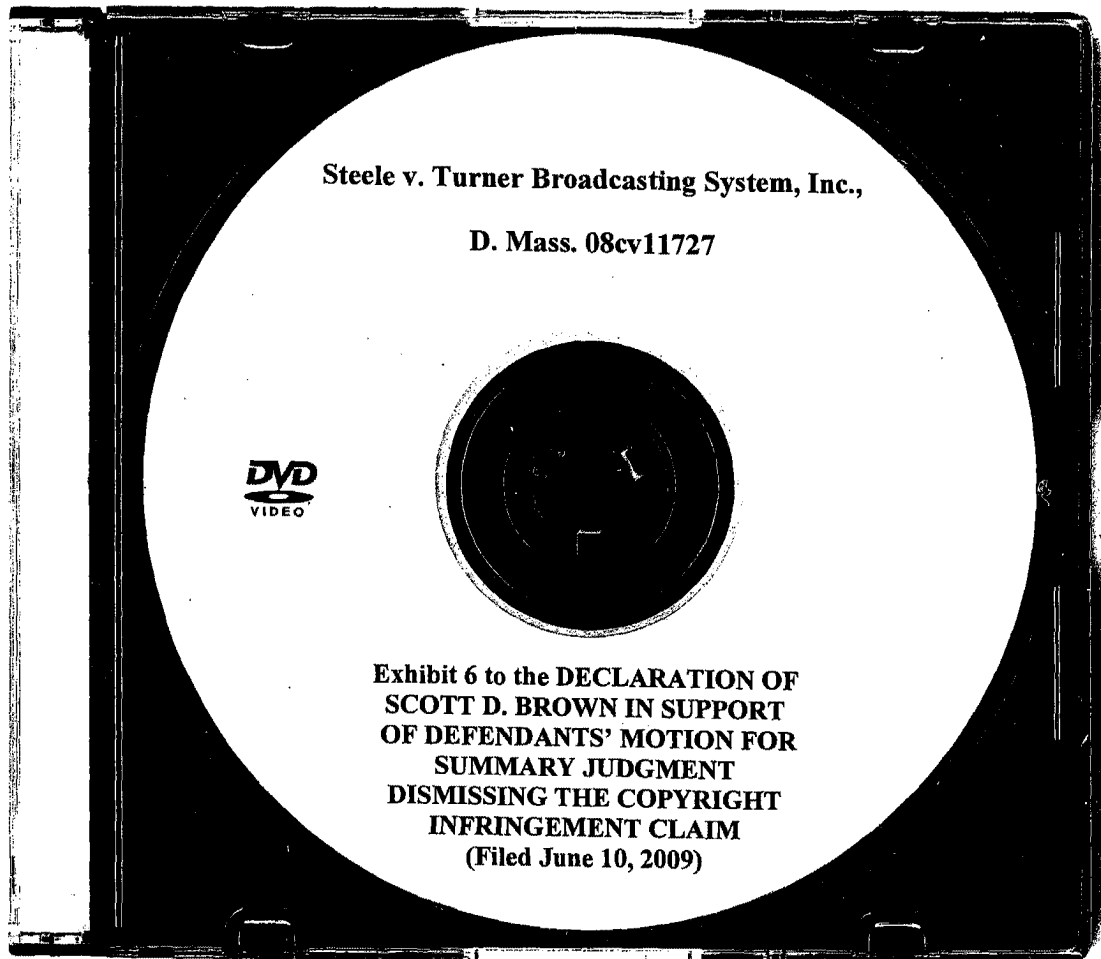


Exhibit 7

I Love This Town
(Bon Jovi, TBS Promo)

I always knew that I liked this place
You don't have to look too far to find a friendly face
And I feel alive when I'm walkin' on this street
I feel the heart of the city pounding underneath my feet

Yeah, let the world keep spinning 'round and 'round
This is where it all goes down, down, down
That's why I love this town
That's why I keep comin' 'round

Say hey; (Say hey); Say yeah; (Say yeah)

You make me feel at home somehow right now
That's why I love this town

They're shoutin' from the rooftops, dancin' on the bars
Hangin' out the windows, drivin' in their famous cars
You want it, you got it, you're ready, I'm on it
Come on now, here we go again

That's why I love this town
That's why I love this town

No matter where you're from, tonight you're from right here
This is where it all goes down, down, down
That's why I love this town

Say hey; (Say hey); Say yeah; (Say yeah); I love this town

Exhibit 8



Exhibit 9

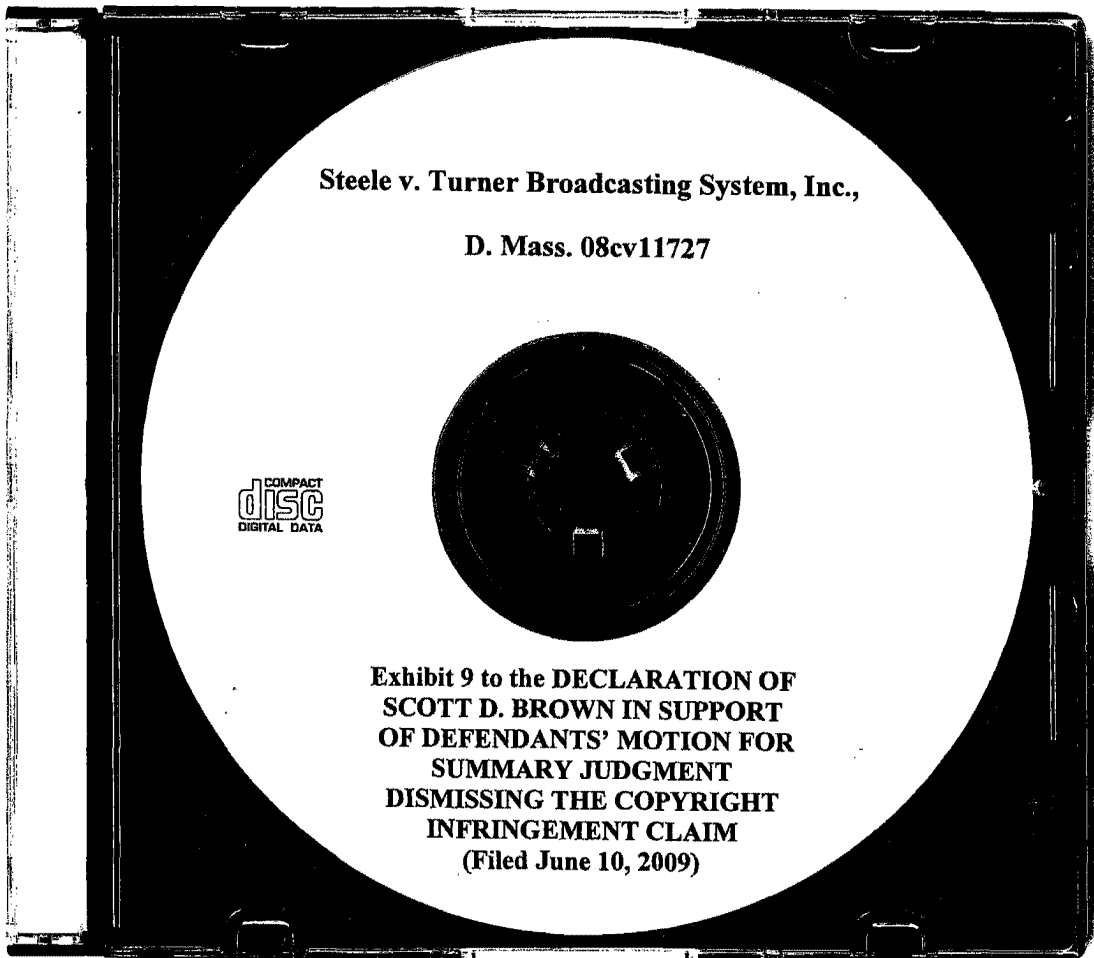


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1. **DOC CUES**

(Title Code: 348109004)

Writers:
LENZ JOHN FREDERICK

Performers:
(none found)

Variations:
BAND PRACTICE 2
BAND PRACTICE
HE CAN PLAY IT
I LOVE THIS
SCHOOL BAND

Publishers/Administrators:
CHERRY LANE MUSIC PUBLISHING
COMPANY A
ATTN: YOUNG HWANG
6 EAST 32ND STREET 11TH FLOOR
NEW YORK , NY, 10016
Tel. (212) 561-3000

2. **I LOVE THIS**

(Title Code: 390895728)

Writers:
BRICHENO TOBY
CYRKA JAN JOSEF

Performers:
(none found)

Variations:
(none found)

Publishers/Administrators:
KPM APM
C/O ASSOCIATED PRODUCTION MUSIC LLC
6255 SUNSET BLVD
#820
HOLLYWOOD , CA, 90028
Tel. (323) 461-3211

3. **I LOVE THIS**

(Title Code: 390790724)

Writers:
MC AVOY DONALD JOSEPH

Performers:
DON MCAVOY
RIBSY RECORDS/MCAVOY MUSIC

Variations:
(none found)

Publishers/Administrators:
MC AVOY MUSIC PRODUCTIONS INC
1110 EAST CHESTNUT AVENUE
JEFFERSONVILLE , PA, 19403

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Tel. (610) 630-1536

4. I LOVE THIS

(Title Code: 392158959)

Writers:

ARORA REBEKAH ASHLEY CLEMENTS

Performers:

REBEKAH ARORA

Variations:

(none found)

Publishers/Administrators:

(none found)

5. I LOVE THIS BALL AND CHAIN

(Title Code: 391562899)

Writers:HAYSLIP BENJAMIN S
LOYD GARY LYNN**Performers:**

(none found)

Variations:

(none found)

Publishers/Administrators:BLACK IN THE SADDLE SONGS
% CHARLES SUSSMAN
1222 16TH AVENUE SOUTH 3RD FLOOR
NASHVILLE , TN, 37212
Tel. (615) 320-9161TARCAMBRO MUSIC PUBLISHING
% BENJAMIN SCOTT HAYSLIP
1815 LAWNVIEW PT
MT JULIET , TN, 37122
Tel. (615) 758-25956. I LOVE THIS DRIVE

(Title Code: 393314653)

Writers:JOHNSON MARK
MOLLIN FREDERIC IRA**Performers:**

CARS: FAST TRACKS 2

Variations:

(none found)

Publishers/Administrators:WALT DISNEY MUSIC COMPANY
C/O DISNEY MUSIC PUBLISHING
500 SOUTH BUENA VISTA STREET
BURBANK, CA, 91521
Tel. (818) 567-5128Contact ASCAP Clearance representative at (212)621-6160
for other publisher information.7. I LOVE THIS FEELING

(Title Code: 392044698)

Writers:

RUSH LINDSAY MELISSA

Performers:

LINDSAY RUSH

Variations:

(none found)

Publishers/Administrators:

(none found)

8. I LOVE THIS GAME

(Title Code: 391505192)

Writers:

HOWARD KENNETH T

Performers:

TRUE

Variations:

(none found)

Publishers/Administrators:LORRAINE'S MY MOM
% KENNETH T HOWARD
318 SOUTH 7TH AVENUE
MAYWOOD , IL, 60153
Tel. (708) 865-2054

RUDE ROC PUBLISHING
% DEREK WAYNE BASS
12631 S HARVARD
CHICAGO , IL, 60628
Tel. (773) 287-0096

9. I LOVE THIS GAME

(Title Code: 391037411)

Writers:
POWELL TIM B

Performers:
GEOFF SMITH

Variations:
(none found)

Publishers/Administrators:
TIM POWELL MUSIC PUBLISHING
% TIMOTHY BRIAN POWELL
P O BOX 148641
NASHVILLE , TN, 37214
Tel. (615) 834-0925

10. I LOVE THIS GAME

(Title Code: 393090618)

Writers:
DREW DARREN MARK
REIDINGER BRIAN BURKE

Performers:
(none found)

Variations:
I LOVE THIS GAME INSTRUMENTAL

Publishers/Administrators:
GIANT CLIENT PUBLISHING LLC
625 2ND AVENUE SOUTH
SUITE 102
MINNEAPOLIS , MN, 55402
Tel. (612) 305-1229

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11. I LOVE THIS GAME (COMERCIAL)

(Title Code: 391028672)

Writers:
 FORD TERENCE

Performers:
 SIR PRIZE

Variations:
 (none found)

Publishers/Administrators:
 T H U G COMMITTEE
 % TERENCE FORD
 821 E 224TH STREET
 BRONX, NY, 10466
 Tel. (347) 968-0293

12. I LOVE THIS GIRL

(Title Code: 392313870)

Writers:
 ST JOHN R P JR

Performers:
 (none found)

Variations:
 (none found)

Publishers/Administrators:
 MAINSPRING WATCHWORKS MUSIC
 % R P ST JOHN JR
 1815 STUART STREET
 BERKELEY, CA, 94703
 Tel. (510) 540-7981

13. I LOVE THIS GROOVE

(Title Code: 392448592)

Writers:
 BELL MICHAEL THOMAS

Performers:
 MICHAEL BELL

Variations:
 WHAT A GROOVE

Publishers/Administrators:
 PRESS ON MUSIC
 % MICHAEL BELL
 1518 HILLCREST
 LANSING, MI, 48910
 Tel. (517) 882-3253

14. I LOVE THIS JOB

(Title Code: 391711950)

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|---|---|
| <p>Writers:
ERICKSON RICHARD</p> <p>Variations:
(none found)</p> | <p>Performers:
(none found)</p> <p>Publishers/Administrators:
(none found)</p> |
| <p>15. <input type="checkbox"/> I LOVE THIS LAND (Title Code: 391153456)</p> | |
| <p>Writers:
LEIGH DAMON</p> <p>Variations:
(none found)</p> | <p>Performers:
DAMON LEIGH</p> <p>Publishers/Administrators:
LEAN UMBERS PUBLISHING COMPANY
% DAMON LEIGH
11684 VENTURA BOULEVARD
#525
STUDIO CITY, CA, 91604
Tel. (818) 761-2514</p> |
| <p>16. <input type="checkbox"/> I LOVE THIS LAND (Title Code: 090053786)</p> | |
| <p>Writers:
SIMMS PATSY FORD</p> <p>Variations:
(none found)</p> | <p>Performers:
(none found)</p> <p>Publishers/Administrators:
SHAWNEE PRESS INC
% LYNN A SENGSTACK
9 DARTMOTH DR
BLDG 4
MARSHALLS CREEK , PA, 18335
Tel. (570) 476-0550</p> |
| <p>17. <input type="checkbox"/> I LOVE THIS LAND (MY SWEET (Title Code: 390350093)</p> | |
| <p>Writers:
MC PHERSON FRANK</p> <p>Variations:
(none found)</p> | <p>Performers:
HARRINGTON A</p> <p>Publishers/Administrators:
(none found)</p> |
| <p>18. <input type="checkbox"/> I LOVE THIS LIFE (Title Code: 390876534)</p> | |
| <p>Writers:
JAMES M GREEN JR</p> <p>Variations:
(none found)</p> | <p>Performers:
(none found)</p> <p>Publishers/Administrators:
BED STY PUBLISHING
493A QUINCY STREET
BROOKLYN , NY, 11221
Tel. (718) 574-5193</p> |
| <p>19. <input type="checkbox"/> I LOVE THIS LIFE (Title Code: 393306331)</p> | |
| <p>Writers:
BLAINE JASON
WILSON WILLIE MACK</p> <p>Variations:
(none found)</p> | <p>Performers:
(none found)</p> <p>Publishers/Administrators:
RED CAPE SONGS
317 ADELAIDE ST. WEST., SUITE 704
TORONTO, ON M5V 1P9 , , 00000
Tel. (416) 850-1163</p> |

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for other publisher information.

20. **I LOVE THIS LIFE**

(Title Code: 392775630)

Writers:
RAGSDALE JAMES CLINTON

Performers:
(none found)

Variations:
(none found)

Publishers/Administrators:
(none found)

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- | | | |
|---|---|--------------------------------|
| <p>Save</p> <p>21. <input type="checkbox"/> <u>I LOVE THIS LIFE</u></p> <p>Writers:
OLIVIER PHILIP DENIS JR</p> <p>Variations:
(none found)</p> | <p>Performers:
PHILIP OLIVIER</p> <p>Publishers/Administrators:
Contact ASCAP Clearance representative at (212)621-6160 for other publisher information.</p> | <p>(Title Code: 393322215)</p> |
| <p>22. <input type="checkbox"/> <u>I LOVE THIS PICTURE</u></p> <p>Writers:
BOST IAN WESLEY</p> <p>Variations:
(none found)</p> | <p>Performers:
TONAL OAK</p> <p>Publishers/Administrators:
ON THE QUERCUSP
3386 N DIXBORO RD
ANN ARBOR, MI, 48105
Tel. (517) 579-4657</p> | <p>(Title Code: 392793058)</p> |
| <p>23. <input type="checkbox"/> <u>I LOVE THIS PLACE</u></p> <p>Writers:
STEVE KELLY
STEVEN BENSON</p> <p>Variations:
(none found)</p> | <p>Performers:
(none found)</p> <p>Publishers/Administrators:
MUSIC SALES CORP
257 PARK AVENUE SOUTH
20TH FL
NEW YORK, NY, 10010
Tel. (212) 254-2100</p> | <p>(Title Code: 392474956)</p> |
| <p>24. <input type="checkbox"/> <u>I LOVE THIS PLACE</u></p> <p>Writers:
BEVIS MICHAEL DOUGLASS</p> <p>Variations:
(none found)</p> | <p>Performers:
HELIX LIVE</p> <p>Publishers/Administrators:
BEVOID MUSIC
% MICHAEL D BEVIS
1233 W PALM AVENUE
REDLANDS, CA, 92373
Tel. (909) 792-4254</p> | <p>(Title Code: 392861475)</p> |

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25. I LOVE THIS PLACE

(Title Code: 390897799)

Writers:
 BENSON STEVEN
 KELLY STEVE

Performers:
 (none found)

Variations:
 (none found)

Publishers/Administrators:
 TANCOTT MUSIC
 PLEASE CONTACT ASCAP CLEARANCE REPRESENTATIVE
 AT 212-621-6160

26. I LOVE THIS PLACE

(Title Code: 390938931)

Writers:
 FOLLESE KEITH C
 RHODES TAYLOR LAURENCE

Performers:
 (none found)

Variations:
 (none found)

Publishers/Administrators:
 RED CAPE SONGS
 317 ADELAIDE ST. WEST., SUITE 704
 TORONTO, ON M5V 1P9 , , 00000
 Tel. (416) 850-1163

RHODES WORLD MUSIC
 % TAYLOR RHODES
 210 LAUDERDALE ROAD
 NASHVILLE , TN, 37205
 Tel. (615) 298-3031

W B MUSIC CORP
 % WARNER CHAPPELL MUSIC INC
 10585 SANTA MONICA BLVD
 LOS ANGELES, CA, 90025
 Tel. (310) 441-8600

27. I LOVE THIS SONG

(Title Code: 391070590)

Writers:
 CHAGNON MARCEL FRANCOIS
 STEELE JEFFREY

Performers:
 JOLIE EDWARDS
 MARCEL

Variations:
 (none found)

Publishers/Administrators:
 CHAGGY BUSS ENTERTAINMENT
 % UNIVERSAL MUSIC CORPORATION
 2440 SEPULVEDA BLVD.
 SUITE 100
 LOS ANGELES , CA, 90064
 Tel. (310) 235-4700

UNIVERSAL MUSIC CORPORATION
 2440 SEPULVEDA BLVD.
 SUITE 100
 LOS ANGELES , CA, 90064
 Tel. (310) 235-4700

Contact ASCAP Clearance representative at (212)621-6160
 for other publisher information.

28. I LOVE THIS SONG

(Title Code: 393404190)

Writers:
 BURKETT KIMBALL R

Performers:
 (none found)

Variations:
 (none found)

Publishers/Administrators:
 GUSTO RECORDS INC
 (MOE S MUSIC DIVISION)
 1900 ELM HILL PIKE
 NASHVILLE , TN, 37210
 Tel. (615) 889-8000

GUSTO RECORDS INC
 (MOE'S MUSIC DIVISION)

1900 ELM HILL PIKE
NASHVILLE , TN, 37210
Tel. (615) 889-8000

29. I LOVE THIS STORE CHEESE/CART/COOKIE (A & P S

(Title Code: 570295124)

Writers:
LEWIS LAURIE BETH
MANCINI MICHAEL N
SCHWARTZBACH ROBIN B

Performers:
(none found)

Variations:
A & P SUPERFRESH (I LOVE THIS STORE CHEESE/CA
A & P (I LOVE THIS STORE)
ZLRA 3001 ("I LOVE THIS STORE CHEESE"/A&P)
ZLRA 3013 ("I LOVE THIS STORE CART"/A&P)
ZLRA 3003 ("I LOVE THIS STORE COOKIE"/A&P)
A & P (SUPERFRESH)(I LOVE THIS STORE)

Publishers/Administrators:
IN COMMON MUSIC
% LAURIE LEWIS
210 WEST 19TH STREET
#5J
NEW YORK , NY, 10011
Tel. (212) 242-8952

30. I LOVE THIS TIME OF THE YEAR (FR "RADIO THE M

(Title Code: 390778524)

Writers:
SUCH MARSHALL A
TAYLOR STEPHEN

Performers:
(none found)

Variations:
RADIO THE MUSICAL (STAGE SHOW PROMO)(TX)
I LOVE THIS TIME OF YEAR SNOWFLAKES (RADIO TH
RADIO THE MUSICAL (I LOVE THIS TIME OF YEAR S
SPICED APPLE CIDER (RADIO THE MUSICAL)
RADIO THE MUSICAL (SPICED APPLE CIDER)

Publishers/Administrators:
MARSHALL SUCH MUSIC
1926 STONEWAY DRIVE
GRAPEVINE , TX, 76051
Tel. (817) 481-4453

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31. **I LOVE THIS TIME OF YEAR**

(Title Code: 392836010)

Writers:
CACAVAS JOHN
DAVID HAL

Performers:
(none found)

Variations:
BR 0430 TRACK 4 32
IN THE CHRISTMAS SWING 4 32

Publishers/Administrators:
BRUTON APM
6255 SUNSET BOULEVARD
SUITE 820
HOLLYWOOD, CA, 90028
Tel. (323) 461-3211

32. **I LOVE THIS TOWN**

(Title Code: 392590937)

Writers:
BONGIOVI JOHN F
FALCONE WILLIAM
SAMBORA RICHARD S

Performers:
BON JOVI

Variations:
(none found)

Publishers/Administrators:
AGGRESSIVE MUSIC
% SONY/ATV TUNES LLC
ATTN: LACEY CHEMSAK
8 MUSIC SQUARE WEST
NASHVILLE, TN, 37203
Tel. (615) 726-8300

BON JOVI PUBLISHING/POLYGRAM
% UNIVERSAL POLYGRAM INTERNATIONAL
2440 SEPULVEDA BLVD
SUITE 100
LOS ANGELES, CA, 90064
Tel. (310) 235-4700

SONY/ATV TUNES LLC
ATTN: ADMINISTRATION
8 MUSIC SQUARE WEST

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<http://www.ascap.com/ace/search.cfm?requesttimeout=300&mode=r...>

NASHVILLE, TN, 37203
Tel. (615) 743-1779

UNIVERSAL POLYGRAM INTERNATIONAL
2440 SEPULVEDA BLVD
SUITE 100
LOS ANGELES , CA, 90064
Tel. (310) 235-4700

Contact ASCAP Clearance representative at (212)621-6160
for other publisher information.

33. I LOVE THIS TOWN

(Title Code: 391343296)

Writers:
SONDHEIM STEPHEN

Performers:
(none found)

Variations:
(none found)

Publishers/Administrators:
RILTING MUSIC INC/WB MUSIC COR
% WB MUSIC CORP
% WARNER CHAPPELL MUSIC INC
10585 SANTA MONICA BLVD
LOS ANGELES , CA, 90025
Tel. (310) 441-8600

34. JAY LENO FAMILY SPECIAL CUES

(Title Code: 400137044)

Writers:
LANZARONE BENJAMIN

Performers:
(none found)

Variations:
LITTLE SHOPPING A
BILLBOARD
HARD TO BELIEVE
EVEN MORE
LET S GO LOOK AT THE DEN
LONG AFTER YOU RE GONE
THERE S AN EYE
FIGURE IT OUT FOR YOURSELF
LIFE SENTENCE
ROBO POP
I LOVE THIS GUY
SECOND BUMPER
TAKE OVER
YOU BE THE JUDGE
PLAY ON FOR STARS
I M NOT SURE
LAWYER PLAY ON
YOU CAN T GO HOME AGAIN
ONLY ON TELEVISION
HEY THANKS

Publishers/Administrators:
SPECTACULAR MUSIC INC
% UNIVERSAL MUSIC CORPORATION
2440 SEPULVEDA BLVD.
SUITE 100
LOS ANGELES , CA, 90064
Tel. (310) 235-4700

35. PARGO'S AMERICAN

(Title Code: 570409582)

Writers:
AERTS STORMEY B

Performers:
(none found)

Variations:
PARGOS AMERICAN GRILL & BAR (I LOVE THIS PLAC
I LOVE THIS PLACE (PARGO'S AMERICAN GRILL & B
AMM468 62

Publishers/Administrators:
ANDY MARK MUSIC
129 WOODDED LANE
VILLANOVA , PA, 19085
Tel. (610) 525-0868

36. VINEYARD (BANK OF AMERICA)

(Title Code: 570358002)

ASCAP ACE - Search Results

<http://www.ascap.com/ace/search.cfm?requesttimeout=300&mode=r...>

Writers:
SNYDER CRAIG

Performers:
(none found)

Variations:
BANK OF AMERICA (VINEYARD)
QBKW 3607 ("VINEYARD REV"/BANK OF AMERICA)
BANK OF AMERICA (I LOVE THIS LAND ITS BEEN PA
I LOVE THIS LAND ITS BEEN PART OF THIS FAMILY

Publishers/Administrators:
BERKSHIRE HILLS MUSIC INC
ATTN: IVY TOMBAK
9220 SUNSET BOULEVARD
SUITE 220
LOS ANGELES, CA, 90069
Tel. (310) 860-2650

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BMI Work #8327253

Songwriter/Composer

BOYLE JACK

BOYLE LEE

PARISH PEPE

Current Affiliation

BMI

NA

NA

CAE/IPI #

504186279

0

0

I LOVE THIS

BMI Work #9793758

Songwriter/Composer

EHRENBERG JEFFREY M

LAONO DANA

WHITE DANTE ADRIAN

Current Affiliation

BMI

NA

BMI

CAE/IPI #

350446383

0

197842517

I LOVE THIS BAR

BMI Work #6613117

Songwriter/Composer

EMERICK SCOTT

KEITH TOBY

Current Affiliation

BMI

BMI

CAE/IPI #

420422217

234799239

Publishers

BIG YELLOW DOG MUSIC

SONY/ATV TREE PUBLISHING

TOKECO TUNES

Artists

KEITH TOBY

I LOVE THIS BLUE OCEAN

BMI Work #8209517

Songwriter/Composer

HU BAOSHAN

WANG WEILIU

Current Affiliation

MCSC

MCSC

CAE/IPI #

180412007

0

Publishers

CRC JANIAN PUBLISHING

BMI

465330463

I LOVE THIS CARRING ON

BMI Work #646313

Songwriter/Composer

HALL FREDDIE

JONES CARL O

Current Affiliation

NA

BMI

CAE/IPI #

0

61647283

Publishers

Additional Non-BMI Publishers

I LOVE THIS CARRYING

BMI Work #646314

Songwriter/Composer	Current Affiliation	CAE/PI #
HALL FREDDIE	NA	0
JONES C	NA	0

Publishers		
REGENT MUSIC CORP	BMI	39740762

I LOVE THIS CHRISTMAS

BMI Work #9808365

Songwriter/Composer	Current Affiliation	CAE/PI #
MILLS LESLIE J	BMI	193172074
PELCER CHRIS	BMI	193016581

Publishers		
KEYWAY MUSIC PUBLISHING	BMI	437271752
TINY VIOLET MUSIC PUBLISHING	BMI	539424243

I LOVE THIS COUCH

BMI Work #8360221

Songwriter/Composer	Current Affiliation	CAE/PI #
SHAPIRO THEODORE MICHAEL	BMI	179925023

Publishers		
U P G MUSIC PUBLISHING	BMI	432636665

I LOVE THIS COUNTRY

BMI Work #2064738

Songwriter/Composer	Current Affiliation	CAE/PI #
SCAIFE RONALD J	BMI	62089383
YATES JENNY L	ASCAP	126295377

Publishers		
UNIVERSAL SONGS OF POLYGRAM INTERNATIONAL INC	BMI	353265272
VIRGIN TIMBER MUSIC	BMI	238839920
<i>Additional Non-BMI Publishers</i>		

I LOVE THIS COUNTRY

BMI Work #6464439

Songwriter/Composer	Current Affiliation	CAE/PI #
MOONEYHAM MARTHA CECILIA	BMI	423735272

I LOVE THIS COUNTRY AND COUNTR

BMI Work #7014494

Songwriter/Composer	Current Affiliation	CAE/PI #
SANTORA PETER J JR	BMI	457966895

I LOVE THIS DREAM

BMI Work #646315

Songwriter/Composer	Current Affiliation	CAE/PI #
BRAMLETT DELANEY	BMI	4037044

Publishers		
DELANEY BRAMLETT MUSIC	BMI	476772702

I LOVE THIS DRIVE

BMI Work #9688199

Songwriter/Composer	Current Affiliation	CAE/PI #
JOHNSON MARK WILLIAM	BMI	49271863
MOLLIN FRED	NA	58802465

Publishers		
WONDERLAND MUSIC COMPANY INC	BMI	33189981
<i>Additional Non-BMI Publishers</i>		

I LOVE THIS FAMILY OF GOD
BMI Work #646316

Songwriter/Composer	Current Affiliation	CAE/PI #
SAALE I CAROLINE	BMI	84717944
WHITE GARVICE C	BMI	36476863

Publishers		
CLEAR DAY PUBLISHING	BMI	79350358

I LOVE THIS FEELIN PACER
BMI Work #5885094

Songwriter/Composer	Current Affiliation	CAE/PI #
DUKE MICHAEL	PRS	178165445

Publishers		
ART OF PREMIER TRACKS	BMI	358835028
<i>Additional Non-BMI Publishers</i>		

I LOVE THIS FEELING
BMI Work #646317

Songwriter/Composer	Current Affiliation	CAE/PI #
HAYES ANTHONY ULYESSES	BMI	61683867
MADISON ERNESTINE	BMI	45329780
STEWART ARTHUR	BMI	36065005

Publishers		
FAMOSONDA MUSIC	BMI	80234305

I LOVE THIS FEELING
BMI Work #646318

Songwriter/Composer	Current Affiliation	CAE/PI #
ROSS JAMES KENNETH CAMPBELL	SOCAN	61772575

Publishers		
<i>Additional Non-BMI Publishers</i>		

I LOVE THIS FEELING
BMI Work #646319

Songwriter/Composer	Current Affiliation	CAE/PI #
BROWN MAUREEN REBBIE JACKSON	BMI	229023983
GREY ZANE WALLACE	BMI	44160020
HANKS LEN RON	BMI	61216119

Publishers		
BABY WHALE MUSIC	BMI	12853700
GOLDEN CIRCLETS MUSIC	BMI	136752860
GRAHAM O TUNES MUSIC INC	BMI	130162825

I LOVE THIS FEELING

BMI Work #646320

Songwriter/Composer	Current Affiliation	CAE/IPI #
COLEY LAWRENCE D	BMI	144316497
COLLINS DEZIE	BMI	207020917

Publishers		
DEZIE MUSIC	BMI	138900962
EASY LIFE MUSIC	BMI	138987419

I LOVE THIS FEELING

BMI Work #6018131

Songwriter/Composer	Current Affiliation	CAE/IPI #
WEBB BRIAN THOMAS	BMI	189112363

I LOVE THIS FEELING OF GREAT S

BMI Work #3809259

Songwriter/Composer	Current Affiliation	CAE/IPI #
ADAMS JAMES RICHARD	BMI	192763541
ADAMS JASON ESCO	BMI	183478048
DU BOSE MICHAEL ANTHONY	BMI	180297953

I LOVE THIS GAME

BMI Work #7822960

Songwriter/Composer	Current Affiliation	CAE/IPI #
PEASE RANDALL EARL	BMI	215352990

Publishers		
DECAF MUSIC	BMI	193687716

I LOVE THIS GAME

BMI Work #4046113

Songwriter/Composer	Current Affiliation	CAE/IPI #
ALLEN EDDIE B	NA	0

Publishers		
MEANINGFUL MESSAGES MUSIC	BMI	194445938

I LOVE THIS GAME

BMI Work #4759121

Songwriter/Composer	Current Affiliation	CAE/IPI #
RABINOWITZ JOSHUA A	BMI	245926351

Publishers		
SECOND STEP MUSIC	BMI	246837837

I LOVE THIS GAME

BMI Work #5850238

Songwriter/Composer	Current Affiliation	CAE/IPI #
TITMUS KEEGAN ANDREW	BMI	403817871

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BMI Work #7347224

Songwriter/Composer	Current Affiliation	CAE/PI #
CUNNINGHAM EDDIE LEROY JR	BMI	128149476

Publishers		
EDDIE CUNNINGHAM MUSIC	BMI	245501198

I LOVE THIS GAME CALLED GOLF

BMI Work #1869822

Songwriter/Composer	Current Affiliation	CAE/PI #
NUBY EVELYN	BMI	247377738
NUBY MICHEAL D	BMI	247377836

Publishers		
BALCONES PUBLISHING COMPANY	BMI	1890803

I LOVE THIS GIRL

BMI Work #646321

Songwriter/Composer	Current Affiliation	CAE/PI #
HAUSEY HOWARD	BMI	40535315

Publishers		
THIS IS MINE MUSIC	BMI	42549584

Additional Non-BMI Publishers

I LOVE THIS HAPPY FEELIN

BMI Work #646322

Songwriter/Composer	Current Affiliation	CAE/PI #
HOWZE LAMONT	SOCAN	3056241
USRY JOHN LEWIS JR	SOCAN	86634546

Publishers		
EMI LONGITUDE MUSIC	BMI	353951547

I LOVE THIS HOLIDAY

BMI Work #8522295

Songwriter/Composer	Current Affiliation	CAE/PI #
MIRANDA ANN M	BMI	353922654

I LOVE THIS HOLY SPIRIT

BMI Work #4689882

Songwriter/Composer	Current Affiliation	CAE/PI #
BROWN SEAINES KAREN LOUISE	ASCAP	340421900
MOSS FREDERICK LEE JR	BMI	53240316

Publishers

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PIE S INGREDIENTS PUBLISHING CO BMI 60823784
Additional Non-BMI Publishers

I LOVE THIS JOB

BMI Work #9305847

Songwriter/Composer **Current Affiliation** **CAE/PI #**
 SCHNEIDER MICHAEL JOSEPH BMI 126260107

Publishers
 BS SB MUSIC BMI 445179934

I LOVE THIS KID

BMI Work #3736518

Songwriter/Composer **Current Affiliation** **CAE/PI #**
 PALMINTERI CHAZZ BMI 47649843
 SKEADAS NICK NA 0

Publishers
 CHAZZ PALMINTERI PUBLISHING BMI 543328951

I LOVE THIS LAND

BMI Work #646326

Songwriter/Composer **Current Affiliation** **CAE/PI #**
 OKEFENOCHEE JOE BMI 75859330

Publishers
 BLACK WATER MUSIC CO BMI 79348044

I LOVE THIS LAND

BMI Work #646324

Songwriter/Composer **Current Affiliation** **CAE/PI #**
 BEBENSEE LYLE R SOCAN 61622009

Publishers
Additional Non-BMI Publishers

I LOVE THIS LAND

BMI Work #646325

Songwriter/Composer **Current Affiliation** **CAE/PI #**
 BRICUSSE LESLIE BMI 4196116
 PREVIN ANDRE G ASCAP 24901603

Publishers
 STAGE AND SCREEN MUSIC INC BMI 35241021

I LOVE THIS LAND

BMI Work #646327

Songwriter/Composer **Current Affiliation** **CAE/PI #**
 BUCKLEY BOB SOCAN 61345105
 GIBSON BRIAN FRANCIS SOCAN 56377165
 SMITH PAUL ELSWORTH SOCAN 224453197
 VICKERS HOWIE SOCAN 41428603

Publishers
Additional Non-BMI Publishers

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BMI Work #4936832

Songwriter/Composer
BRADY DWIGHT JOHN**Current Affiliation**
BMI**CAE/PI #**
245288180**I LOVE THIS LAND**

BMI Work #9312689

Songwriter/Composer
DYSART EARL LEWAIN**Current Affiliation**
BMI**CAE/PI #**
533224877**I LOVE THIS LAND**

BMI Work #9711980

Songwriter/Composer
STORIE BENJAMIN WADE**Current Affiliation**
BMI**CAE/PI #**
199379301**Publishers**

CHRISTIAN TAYLOR MUSIC

BMI

231265009

I LOVE THIS LAND OF DIXIE

BMI Work #5689675

Songwriter/Composer
KUNICH JOHN CHARLES**Current Affiliation**
BMI**CAE/PI #**
353939433**Publishers**

LENTO MUSIC PUBLISHING

BMI

137351093

I LOVE THIS LIFE

BMI Work #4769912

Songwriter/Composer
KASHEVAROFF ALEX G**Current Affiliation**
BMI**CAE/PI #**
77758032**Publishers**

EMOTIVE MUSIC

BMI

239507849

I LOVE THIS LIFE

BMI Work #6336122

Songwriter/Composer
DAHL JON GREGORY**Current Affiliation**
BMI**CAE/PI #**
357098237**I LOVE THIS LIFE**

BMI Work #7153555

Songwriter/Composer
MORRISON JAMES DWIGHT
STROUD SHAWN**Current Affiliation**
BMI
NA**CAE/PI #**
353105399
0**I LOVE THIS LOVE**

BMI Work #4336837

Songwriter/Composer
BYNOG LOTTIE**Current Affiliation**
BMI**CAE/PI #**
243421991**I LOVE THIS LOVE**

BMI Work #9107836

Songwriter/Composer
FOLLESE KEITH C
SYKES JOEY**Current Affiliation**
BMI
NA**CAE/PI #**
343298059
0

Publishers

JAMANARYE MUSIC	BMI	532993039
MAGIC MIDAS	BMI	505062494

Additional Non-BMI Publishers

I LOVE THIS LOVELY FEELING

BMI Work #646328

Songwriter/Composer	Current Affiliation	CAE/PI #
GEIRINGER JEAN	NA	99999960
MARKER LEONARD K	BMI	19655860
MELLIN ROBERT	BMI	20411354

Publishers

SCREEN GEMS-EMI MUSIC INC	BMI	36205509
UNIVERSAL MUSIC CAREERS	BMI	0

I LOVE THIS MACHINE

BMI Work #5238121

Songwriter/Composer	Current Affiliation	CAE/PI #
CROSWELL MICHAEL JAY	BMI	193087648

Publishers

PKF PUBLISHING	BMI	193088057
----------------	-----	-----------

I LOVE THIS MAN

BMI Work #646329

Songwriter/Composer	Current Affiliation	CAE/PI #
KIDWELL KATHY LYNN	SOCAN	85317174

Publishers

Additional Non-BMI Publishers

I LOVE THIS MAN

BMI Work #1051313

Songwriter/Composer	Current Affiliation	CAE/PI #
GWANGWA JONAS	BMI	13078906

Publishers

TINKIE-SPANKIE MUSIC	BMI	85218974
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Songwriter/Composer
 CROSWELL MICHAEL J

Current Affiliation
 BMI

CAE/PI #
 193087844

Publishers

PKF PUBLISHING

BMI

193088057

I LOVE THIS MUSIC

BMI Work #9431710

Songwriter/Composer
 DODD MATTHEW DANIEL

Current Affiliation
 BMI

CAE/PI #
 533966624

I LOVE THIS OLD GUITAR

BMI Work #646330

Songwriter/Composer
 OVERSTREET PAUL
 STEVENS EVEN

Current Affiliation
 BMI
 BMI

CAE/PI #
 223506500
 66192371

Publishers

SCREEN GEMS-EMI MUSIC INC
Additional Non-BMI Publishers

BMI

36205509

I LOVE THIS ONE CALLED JESUS

BMI Work #646331

Songwriter/Composer
 TRIPP LA VERNE

Current Affiliation
 BMI

CAE/PI #
 53258487

Publishers

MARK FOUR MUSIC

BMI

51161714

I LOVE THIS ONE I REALLY DO DO

BMI Work #6152269

Songwriter/Composer
 JAMES JOHN
 JOHNSTON STEVE
 POKU JOHNNY FELIX
 WARNOCK KIM

Current Affiliation
 NA
 NA
 SOCAN
 NA

CAE/PI #
 0
 0
 45107900
 0

Publishers

Additional Non-BMI Publishers

I LOVE THIS PART

BMI Work #2032806

Songwriter/Composer
 LAWSON JUSTIN

Current Affiliation
 NA

CAE/PI #
 0

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LESLIE STEVE PORTER	BMI	231014630
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Publishers		
EMI BLACKWOOD MUSIC INC	BMI	223437493
<i>Additional Non-BMI Publishers</i>		

I LOVE THIS PART
BMI Work #6460522

Songwriter/Composer	Current Affiliation	CAE/IPI #
DAVIS HEATHER L	ASCAP	349491527
SMITH SHAYE	BMI	183155472

Publishers		
EMI BLACKWOOD MUSIC INC	BMI	223437493
SHAYE SMITH MUSIC	BMI	355757331
<i>Additional Non-BMI Publishers</i>		

I LOVE THIS PART
BMI Work #9764882

Songwriter/Composer	Current Affiliation	CAE/IPI #
DENNIS BRYAN KENT	BMI	533052097

I LOVE THIS PLACE
BMI Work #646332

Songwriter/Composer	Current Affiliation	CAE/IPI #
HARMON NANCY L	BMI	61990661

Publishers		
LOVE SPECIAL PRODUCTIONS MUSIC	BMI	135378860

I LOVE THIS PLACE
BMI Work #2132741

Songwriter/Composer	Current Affiliation	CAE/IPI #
BRICUSSE LESLIE	BMI	4196116

Publishers
Additional Non-BMI Publishers

I LOVE THIS PLACE
BMI Work #3772265

Songwriter/Composer	Current Affiliation	CAE/IPI #
ETT ALAN	BMI	52403123
NEILL RYAN WELDON	BMI	189325144

Publishers		
MUSIC ET AL	BMI	235474369

I LOVE THIS PLACE
BMI Work #6114664

Songwriter/Composer	Current Affiliation	CAE/IPI #
BENSON STEVEN	PRS	0
KELLY STEVE	PRS	0

Publishers		
NOTTING HILL MUSIC INC	BMI	247887905

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BMI Work #6176103

Songwriter/Composer

AHN LIANA

REID MARK

Current Affiliation

NA

BMI

CAE/PI #

0

416403980

I LOVE THIS PLACE

BMI Work #8372126

Songwriter/Composer

CHIKEZIE PATRICK

Current Affiliation

BMI

CAE/PI #

508133970

Publishers

BILL ROBINSON MUSIC

BMI

230787763

I LOVE THIS ROAD

BMI Work #10066287

Songwriter/Composer

JAMES TOMMY LEE

MATES BRADLEY LYDELL

Current Affiliation

BMI

SOCAN

CAE/PI #

127953848

265718737

Publishers

ORBISON MUSIC LLC

BMI

522148483

SONGS FOR MOI

BMI

544148653

*Additional Non-BMI Publishers***I LOVE THIS ROOM**

BMI Work #7245248

Songwriter/Composer

BURNS KEITH

NEWFIELD HEIDI

Current Affiliation

BMI

BMI

CAE/PI #

187258832

353276853

Publishers*Additional Non-BMI Publishers***I LOVE THIS SONG**

BMI Work #646333

Songwriter/Composer

JOHNSON JAMES MARVIN

PENNINGTON DAN

RENFRO LEN

Current Affiliation

BMI

BMI

NA

CAE/PI #

55334392

23851202

0

Publishers

DAN PENN MUSIC

BMI

60906489

I LOVE THIS SONG

BMI Work #6334344

Songwriter/Composer

CHAGNON MARCEL FRANCOIS

STEELE JEFFREY

Current Affiliation

ASCAP

BMI

CAE/PI #

344507472

230271513

Publishers

GOTTAHAVEABLE MUSIC

BMI

356659226

SONGS OF WINDSWEPT PACIFIC

BMI

353570366

*Additional Non-BMI Publishers***I LOVE THIS SONG**

BMI Work #5621369

Songwriter/Composer CONLAN JOSEPH RICHARD	Current Affiliation BMI	CAE/PI # 39604575
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Publishers CYPRESS POINT MUSIC	BMI	120138724
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I LOVE THIS SONG
BMI Work #9228773

Songwriter/Composer STAMM MEIRO GOTTHART	Current Affiliation SOCAN	CAE/PI # 281201895
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Publishers
Additional Non-BMI Publishers

I LOVE THIS SONG
BMI Work #646334

Songwriter/Composer BROWN GARY D	Current Affiliation BMI	CAE/PI # 232798842
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Publishers ZOCAKE PUBLISHERS	BMI	241720991
--	------------	------------------

I LOVE THIS SONG
BMI Work #9892337

Songwriter/Composer SARR JESSE	Current Affiliation BMI	CAE/PI # 473831832
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I LOVE THIS STORY
BMI Work #7696581

Songwriter/Composer WALKER THOMAS LEE	Current Affiliation BMI	CAE/PI # 199210259
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Publishers BRIDGE BUILDING MUSIC	BMI	481784519
WE MOBILE MUSIC	BMI	231852093

I LOVE THIS STREET CONGA LINE
BMI Work #10023301

Songwriter/Composer TIMMS SEAN EDWARD	Current Affiliation APRA	CAE/PI # 187958203
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Publishers BUG MUSIC	BMI	36210128
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Additional Non-BMI Publishers

I LOVE THIS TEST
BMI Work #8056393

Songwriter/Composer ALAWANA	Current Affiliation BMI	CAE/PI # 234949641
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I LOVE THIS TIME OF THE YEAR

BMI Work #5530245

Songwriter/Composer	Current Affiliation	CAE/PI #
FETNER RON	BMI	205163605

I LOVE THIS TIME OF THE YEAR

BMI Work #5762414

Songwriter/Composer	Current Affiliation	CAE/PI #
MARTIN MANDI	BMI	19808567
OYLER KATHRYN ELIZABETH	BMI	400603520

Publishers

FLY DADDY MUSIC	BMI	400631612
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I LOVE THIS TIME OF THE YEAR

BMI Work #5892681

Songwriter/Composer	Current Affiliation	CAE/PI #
ANDALORO JOHN J	BMI	62095979

Publishers

EASTUNES MUSIC	BMI	189438021
GOTCHA MUSIC	BMI	63170599

Additional Non-BMI Publishers

I LOVE THIS TOWN

BMI Work #3989922

Songwriter/Composer	Current Affiliation	CAE/PI #
GREGSON CLIVE JAMES	PRS	47113996

Publishers

BUG MUSIC	BMI	36210128
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Additional Non-BMI Publishers

I LOVE THIS TOWN

BMI Work #8871506

Songwriter/Composer	Current Affiliation	CAE/PI #
BON JOVI JON	ASCAP	125760287
FALCON BILLY	BMI	44649861
SAMBORA RICHARD S	ASCAP	121051932

Publishers

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PRETTY BLUE SONGS	BMI	231984364
SONGS OF KOBALT MUSIC PUBLISHING	BMI	401084411

I LOVE THIS TOWN

BMI Work #646335

Songwriter/Composer	Current Affiliation	CAE/IPI #
PARIS JIMMY	SOCAN	23488878

Publishers*Additional Non-BMI Publishers***I LOVE THIS TOWN**

BMI Work #2062560

Songwriter/Composer	Current Affiliation	CAE/IPI #
LOYD GARY LYNN	ASCAP	229621077
RUDD JB	BMI	216455382

Publishers

EMI BLACKWOOD MUSIC INC	BMI	223437493
EMI TOWER STREET MUSIC	BMI	182934841
UNIVERSAL MUSIC CAREERS	BMI	539732230

I LOVE THIS TOWN

BMI Work #3860294

Songwriter/Composer	Current Affiliation	CAE/IPI #
MARTIN JIM	ASCAP	0
TOLIVER TONY	BMI	231142815

Publishers

TONY TOLIVER MUSIC	BMI	231274008
UNIVERSAL SONGS OF POLYGRAM INTERNATIONAL INC	BMI	353265272

*Additional Non-BMI Publishers***I LOVE THIS TOWN**

BMI Work #5164877

Songwriter/Composer	Current Affiliation	CAE/IPI #
HAMILTON GEORGE HEGE V	BMI	209528369

Publishers

MIKE CURB MUSIC	BMI	72077366
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I LOVE THIS TOWN

BMI Work #7408439

Songwriter/Composer	Current Affiliation	CAE/IPI #
ZANDER GABE	BMI	416318084

I LOVE THIS TOWN

BMI Work #7952146

Songwriter/Composer	Current Affiliation	CAE/IPI #
HUMMON MARCUS	BMI	229599716
OSBORNE ANDERS	BMI	185832736

Publishers

EMILY ROSALILA SONGS	BMI	400631808
OURTRINITY MUSIC	BMI	358981321

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UNIVERSAL MUSIC CAREERS	BMI	539732230
UNIVERSAL SONGS OF POLYGRAM INTERNATIONAL INC	BMI	353265272

I LOVE THIS TOWN

BMI Work #9799712

Songwriter/Composer	Current Affiliation	CAE/PI #
CONAHAN JOHN	BMI	400578583

Publishers		
BUSHTIMI MUSIC	BMI	400563305

I LOVE THIS TOWN ALTERNATE VER

BMI Work #9799720

Songwriter/Composer	Current Affiliation	CAE/PI #
CONAHAN JOHN	BMI	400578583

Publishers		
BUSHTIMI MUSIC	BMI	400563305

I LOVE THIS USA

BMI Work #6765933

Songwriter/Composer	Current Affiliation	CAE/PI #
SMITH LARRY NEIL	BMI	194094941

I LOVE THIS WAY

BMI Work #646336

Songwriter/Composer	Current Affiliation	CAE/PI #
SADLER MODELL CHRISTINA	BMI	36421601

Publishers		
CHESTNUT MOUND MUSIC	BMI	75214685

I LOVE THIS WOMAN

BMI Work #646337

Songwriter/Composer	Current Affiliation	CAE/PI #
WILLIS WILLIE	BMI	251066397

Publishers		
BABY TATE MUSIC	BMI	69621359
WILLIE WILLIS MUSIC PUBLISHING	BMI	193907929

I LOVE THIS WOMAN

BMI Work #8050422

Songwriter/Composer	Current Affiliation	CAE/PI #
JOHNSON STEPHEN HENRY	BMI	230759181

Publishers		
KITHGOCO MUSIC	BMI	451258271

I LOVE THIS WORLD

BMI Work #646338

Songwriter/Composer	Current Affiliation	CAE/PI #
MERRILL GEORGE ROBERT	BMI	136625378

RUBICAM SHANNON	BMI	136629170
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DIRECT PLANET	BMI	228506767
WARNER-TAMERLANE PUBLISHING CORP	BMI	185314175

I LOVE THIS WORLD

BMI Work #6536349

Songwriter/Composer

ARNOLD KIRK R	BMI	237278061
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CAE/PI #

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THICK STICKS	BMI	238833840
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Exhibit 12

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74 Malvern Road, Scarsdale, NY 10583-4844
Telephone (914) 723-8385 • Fax (914) 472-4072
Anthony Ricigliano • Laurie Adamo • Musicologists
EMail: donatomu@optonline.net

A Report Regarding The Compositions

I Really Love This Team by Samuel Bartley Steele
and
I Love This Town by Bon Jovi

Conclusion

1. I listened to a sound recording of the composition *I Really Love This Team* by Samuel Bartley Steele, a.k.a. Bart Steele and a sound recording of the composition *I Love This Town* by Bon Jovi. I also reviewed a promotional video for Major League Baseball Postseason on TBS that used a portion of the Bon Jovi song.

After listening to, comparing and analyzing the music and lyric content of these works, I concluded that although these compositions contain somewhat similar titles, they do not share any significant similarity and are not substantially similar in lyric content, melodic content (pitch series, rhythm or rhythmic patterns, melodic development and structure), or harmonic content, to suggest that *I Love This Town* copied anything from *I Really Love This Team*. Overall, the musical material in *I Love This Town* is dramatically different from that used in *I Really Love This Team*.

The principal similarity between these works relates to the title phrase. However, when these phrases were examined I concluded that both the title phrase and the overall lyric content in *I Love This Town* was different than the title phrase and lyric content in *I Really Love This Team*. Also, limited research revealed that the lyric elements that are similar are commonplace, not original with *I Really Love This Team* and therefore not protectable.

After examining the TBS promotional video I concluded that the Steele work does not contain any clear substantive synchronization or any suggestion that it was used as a reference to create the TBS video.

Materials Reviewed

2. a. A compact audio disc containing a sound recording of the song *I Really Love This Team* (hereafter referred to as *I Really*) by Samuel Bartley Steele, a.k.a. Bart Steele and a sound recording of the song *I Love This Town* (hereafter referred to as *I Love*) by Jon Bon Jovi, Richie Sambora and Billy Falcon.
- b. Two audio/visual recordings of a commercial for Major League Baseball Postseason on TBS (hereafter referred to as TBS). One containing a recording by Bon Jovi and another with the Bart Steele recording.
- c. Musical transcriptions of these songs created by Donato Music (Appendix I).
- d. Additional documents supplied including the Complaints in this lawsuit as well as some of the briefs. However, none of this material in any way influenced my professional opinion regarding the music/lyric materials related to this issue.

Comparison/Analysis Procedures

3. I have been asked by the lawyers for the defendants in the pending lawsuit to prepare a musicological analysis/report regarding the songs *I Really* by Bart Steele and the song *I Love* recorded by Bon Jovi. Attached at the end of this report is my Curriculum Vitae which includes my musical education, publications, fee rate, etc.
4. The purpose of this examination and analysis is to offer my professional opinion as to the extent, if any, of the similarity between the music and lyric material used in these compositions with regard to possible copying by the composition *I Love* from the composition *I Really*. Also make some assessment of these compositions in relation to the TBS video.
5. When similarities are located, it is the responsibility of the musicologist to evaluate them and separate those that are more important from those that are less important and those that are substantial or significant from those that are not. The similarities that do exist also must be evaluated to determine whether they suggest that copying has occurred, or whether they are a result of coincidence (such as isolated pitch occurrences), the use of commonplace material or material characteristic of a particular style.
6. The principal aspects in musical works that are generally most important when locating similarities are:
 - (a) **melody or melodic lines** (a single line of music consisting of pitch, rhythm, contour and structure)
 - (b) **harmony** (the use and relationship of chords and chord progressions)
 - (c) **structure** (the organization of the various melodic ideas, phrases, or sections - verse, chorus, bridge, etc.).
7. Since these compositions make use of lyrics, all of the lyrics contained within each composition were reviewed and compared.
8. Although generally less important depending on the extent of similarities found concerning melody, lyrics, harmony and structure, the principal key, meter and tempo were also examined.*
9. To facilitate comparison of the musical elements the musical examples are notated in the same key of C major (standard musicological procedure, comparable to using a common denominator when dealing with fractions in mathematics). Also, where applicable, the letter name designation for each melodic pitch is shown under each melody note. The scale-steps (pitch position within the scale) in C major are given below.

Letter name	C	D	E	F	G	A	B	C
Scale-step	1	2	3	4	5	6	7	1 (8)

Notes not in the basic scale that differ by a half-step will be shown by a sharp (#) when raised one half-step, or a flat (b) symbol when lowered one half-step. For example, a lowered third scale-step (E flat) will be shown as E^b or b3.

*For definition of musical terms see Appendix II.

Musical Analysis

10. To more easily evaluate the musical examples given for comparison for non-musicians, graph charts of the melody lines from each song have been created and attached (Graphics 1-3). These graph charts are for the layman to visually compare the relationship between the melodic lines. Also it should be stressed that the graph charts are more visually accurate than traditional musical notation since a musical staff is misleading in spatial relationships and in certain respects unclear. (Appendix III contains an introduction to understanding the music graph charts).

11. The music/lyric phrases preceding and including the title phrase from *I Love* are placed below one of the preceding and title phrases from *I Really*. The letter name of each melodic pitch is placed below the musical staff while the symbols given above (G7, F7 etc.) represent the accompanying chords

I Really Love This Team

Unit 1 Unit 2 Unit 3

G7 F7 G7 F7 G7 B \flat G/B C7

G G G G G F G G G G F G G G G G F E \flat C
 now get up off your seat ev - ery - bo - dy scream Man I real - ly love this team.

I Love This Town

Unit 1 Unit 2

C F E min D min C F G C

E E E E C C A A G G F E D C C E C C
 This is where it all goes down, down, down That's why I, love this town.

12. Examine Graphic 1 (attached) which represents the melody lines given in the musical example above of *I Really* (in red) and *I Love* (in blue).

Observe that *I Really* consists of three melodic units. The first two begin with the repetition of the pitch G and end on the note F. The third unit contains the title and begins essentially the same as units 1 and 2. However this unit is extended and continues down through E flat concluding on the tonic note C.

13. The melodic content in *I Love* is dramatically different. It consists of two units. Unit 1 begins with the repetition of the note E and progresses downward to C, then to A, then to G ending on the note F. Unit 2 contains the title phrase, begins by returning to the initial note E, moves down the scale to C, returns to the E and concludes on the first note of the scale or tonic note C.

14. Graphic 1 also clearly illustrates that there is no significant similarity in rhythm (time values) or rhythm patterns. This chart clearly illustrates that the musical phrases that precede the title and the titles phrases are overall dramatically different in pitch, rhythm and structure.

15. It may be noted that in *I Really* there are two different statements or musical melodic settings of the lyric phrase "I really love this team."

Since there is a variation in the final statement of the title phrase, the following example compares these two melodic ending phrases against the only melodic ending phrase utilized in *I Love*. For visual purposes the first title phrase of *I Really* is transposed up an octave in the standard musical notation and the title phrase of *I Love* is moved down an octave in the Graphic 3.

16. The following example illustrates that the two musical statements of the title phrase in *I Love* are significantly different in pitch series, rhythm, melodic shape and chords used in the accompaniment of the two different statements found in *I Really*.

I Really Love This Team

Unit 3 (8va) Unit 3 (final statement)

Man I real - ly love this team. Man I real - ly love this team.

I Love This Town

Unit 2 Unit 2

That's why I, love this town. That's why I, love this town.

These distinctions become even more visually discernable when comparing these melodies in melodic Graphics 2 and 3 (attached).

Lyric Analysis

17. While the title phrases “Man I really love this team” and “That’s why I love this town” may be considered to have some insignificant similarity in the lyric title (“I”, “love this”), the musical setting of these lyrics are dramatically different in pitch series, rhythm and structural content. Therefore there is no substantial similarity in melodic content, pitch series, melodic contour/shape or in melodic structure between the title phrases within these musical compositions.

18. Furthermore, the lyric elements that are similar are commonplace, trite, lyric material and therefore not protectable. A limited search of the Library of Congress from 1978-2004 revealed that there are many songs with the title “I Love This Town” (see table). Although no other song matched the title *I Really Love This Team*, it is clear that *I Love* does not contain any significant or distinctive lyric similarity to suggest that it copied from *I Really*. Particularly compelling are numbers 3 and 7 that are related to well known artists.

Song Title	Date	Writer/Composer/Performer	Copyright or record Label Information
1. I Love This Town	1996	By Jim Martin (co-writer)	V3313PO39
2. I Love This Town	1996	Performed by Plainsong on CD “Sister Flute” – no listing of composer	Label: Line Cat #901327
3. I Love This Town	1996	By Clive Gregson – Title also used for album. Performed in 2004 for Sandy Griffith album titled “Hearts in Mind” – (Jimmy Buffett featured in “I Love This Town”)	Label: Compass Cat # 4234
4. I Love This Town	1998	By Gary Loyd & J. B. Rudd	5 copyrights
5. I Love This Town	2001	By James J. Mulholland	SR0000297289
6. I Love This Town	2001	By Brian McInnis, Darlene Fortunata Violette	PAu002649073
7. I Love This Town	2003	By Stephen Sondheim for a 2004 show titled “Bounce.”	Pa0001239937

19. When the lyrics in each composition are compared (see table below), it illustrates that there are no phrases in *I Love* that may be considered to be substantially similar to any lyric phrase in *I Really*.

20. Nor is there any duplication in the use of any rhyme scheme (words underlined).

21. Furthermore the lyric structure of the opening and final section of *I Really* follows the basic “blues” format (labeled a-b-c). This overall form or structure follows the organization of musical events described in paragraph 22, which is significantly different in melodic structure and development from *I Love*.

<i>I Really Love This Team*</i>	<i>I Love This Town</i>
<p>(a) Have you heard the news that's goin' <u>'round</u> Our hometown team is series <u>bound</u></p> <p>(b) and the word is out on Yawkey <u>way</u> our boys in red have come to <u>play</u></p> <p>(c) Now get up off of your seats Everybody <u>scream</u> Man, I really love this <u>team!</u></p> <p>(a) They're the Yankees Royals and the <u>Rays</u>, The Tigers Rangers and the <u>Jays</u></p> <p>(b) Then just ask Rem-Dawg in the <u>box</u> anyone will tell ya Boston <u>rocks!</u></p> <p>(c) Now get up off your seats, Everybody <u>scream</u> Man I really love this <u>team!</u></p>	<p>Verse: I always knew, that I'd like this <u>place</u> You don't have to look too far, to find a friendly <u>face</u> I feel alive when I'm walkin' on the <u>street</u> I feel the heart of the city poundin' underneath my <u>feet</u></p> <p>Chorus: Yeah, let the world keep spinin' round 'n' <u>round</u> This is where it' all goes' down, down, <u>down</u> That's why I, love this <u>town</u> That's why I, keep co-min' <u>round</u></p> <p>Say hey; (say hey); say yeah; (say yeah); You make me feel at home somehow, right <u>now</u> That's why I, love this <u>town</u></p>
	<p>(Verse 2 is omitted on video) I Got some good friends here, I might have broke a heart or <u>two</u> It's getting' loud over there, the boys must have had a <u>few</u> There's a cop on the corner, he knows everybody's name And a kid with a dream singin' for some spare loose change</p> <p>Chorus (as above – also omitted on video)</p>
<p>And you got to keep believing, and you gotta stay tough And you gotta keep the faith, and you gotta cowboy up! We'll stand up proud Say it loud c'mon and let'm <u>know</u> Say here we go Red Sox here we <u>go</u> (here we go Red Sox here we go)</p> <p>(a) From Landsdown Street to Pesky's <u>Pole</u> From Cooperstown in days of <u>old</u></p> <p>(b) Then feel that spirit far and <u>near</u> Those Fenway fans begin to <u>cheer</u></p> <p>(c) Now get up off your seats, Everybody <u>scream</u> Man I really love this <u>team!</u> (3x)</p>	<p>(sung on video)</p> <p>They're shoutin' from the rooftops, dancin' on the <u>bars</u> Hangin' out the windows, drivin' in their baby's <u>cars</u> You want it you got it, you're ready, I'm on it Come on now, here we go again</p> <p>That's why I love this town That's why I love this town</p> <p>No matter where you're from, tonight you're from right here This is where it all goes down, down, <u>down</u> That why I love this <u>town</u>.</p> <p>Say hey; (say hey); say yeah; (say yeah); I Love this town etc.</p>

*Lyrics taken from Steele's sound recording.

Structural Analysis

22. The overall form or structure (organization of musical events) of *I Love* is significantly different than in *I Really*. For example, the first section of *I Really* is constructed using a basic 12-bar blues pattern (3 four-bar units) containing the harmonic pattern given below. The title phrase appears in the last two bars utilizing the chord progression G7 B \flat G/B bass.

Unit:	a (4-bars)	b (4-bars)	c (4-bars)
<i>I Really</i>	C7	F7 C7	G7 F7 G7 F7 G7 B \flat G/B bass C7

23. *I Love* does not utilize this basic 12-bar blues structure. Instead the opening section of *I Love* is constructed of four 4-bar phrases. In addition, the chord pattern used to accompany each phrase (F | G | C | C |) is different from any chord pattern found in *I Really*.

Audio/Video Analysis

24. I reviewed the audio/video commercial produced for MLB Postseason on TBS that is accompanied by *I Love* and another video of this commercial created by Mr. Steele with a recording of *I Really* replacing the *I Love* music track. After examining these two audio/video recordings I concluded that in the audio/video TBS commercial, *I Love* has been cut and arranged in both its audio and video content. The audio portion represents a shorter version of the full-length musical composition *I Love This Town*. For example, the second verse and repeated chorus has been eliminated (see table on page 5 above) as well as portions of the guitar solos.

25. Although Mr. Steele argues that there are similarities between the visual and lyrical content of *I Really*, these are coincidental similarities and this recording is almost totally not in sync with the visuals in this commercial. For example, while the lyric in *I Really*

“and the word is out on “Yawkey Way”

coincides with the visual picture of the street sign of “Yawkey Way,” the Bon Jovi lyric

“I feel alive when I’m walkin’ on the street”

coincides with the several visual scenes of people walking on streets, including outside the stadium at Wrigley Field Chicago (with the Home of Chicago Cubs sign as well as a TBS sign) and pedestrians in Boston in front of the restaurant *Who’s on First* as well as the street signs for Yawkey Way & Brookline Ave.

26. Furthermore, lack of synchronization between the video and Steele song is apparent when for example in the *I Really* lyrics phrases such as “our boys in red have come to play” there are no pictures of the Red Sox players. Furthermore, the first rendering of “now get up off of your seats, Everybody scream, Man I really love this team” is not in sync with any visual picture of fans in a baseball stadium. In the following lyric phrases from *I Really* the lyrics refer to six teams (Yankees, Royals, Rays, Tigers, Rangers and Jays) yet Mr. Steele believes that since a “Tiger” player appears on the screen this is an indication that copying has occurred. He fails to point out that when we actually see the Tiger player he is more in sync with the lyric “Rangers!”

27. From the beginning to the end, the visuals and audio/lyric content of the Bon Jovi accompaniment to the TBS commercial is in sync with both the baseball visuals and with videos from live concerts of the Bon Jovi band. As one who for professional reasons views hundreds of commercials a year I concluded that since the *I Really* audio/video version does not actually contain any clear substantive synchronization, there is no suggestion that it was used as a reference to create the TBS video. The audio/video created by Mr. Steele shares almost no correlation to the TBS video. Even if it were used (and I do not believe that it was) there is nothing in the composition *I Love* utilized in this commercial that rises to the level of substantial similarity of protectable musical or lyrical expression when compared with *I Really*.

Final Comments

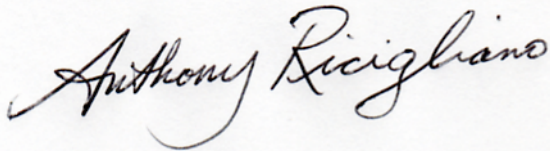
28. When the various lyric and music elements of *I Really* and *I Love* are examined it is apparent that although these compositions contain some minor and insignificant similarity in the title of each work, they are distinctively different musical compositions. Furthermore, the lyric elements that are somewhat similar are, as shown on page 4, commonplace, not original with *I Really* and thus not protectable.

I did not locate any use of any distinctive lyric, melodic or harmonic figure in *I Love* that would indicate that this composition copied anything from *I Really*.

In addition, there is nothing musically significant or substantially similar in the TBS promotional video created by Mr. Steele using his song that indicates or substantiates any claim that his work was used as a reference to create the TBS video.

Therefore when all is considered, any legal claim of infringement by *I Really Love This Team* against *I Love This Town* is unjustified and without merit.

I verify that the forgoing is true and correct, under penalty of perjury.

A handwritten signature in black ink that reads "Anthony Ricigliano". The signature is written in a cursive, flowing style.

Anthony Ricigliano
Musicologist
May 12, 2009

ANTHONY RICIGLIANO

President, Donato Music Services, Inc.

Mr. Ricigliano has prepared musical analyses and assisted in the preparation of court cases for numerous legal firms and has testified on behalf of recording companies, music publishers, recording artists and composers, motion picture companies and advertising agencies in a variety of musical copyright disputes.

Mr. Ricigliano taught at the Manhattan School of Music for 31 years and held the post of Chairman of the Theory Department from 1979 until his retirement in May 2000. He has a Master of Music degree from the Manhattan School of Music and has also taught in various public and private schools as well as at the Juilliard School of Music.

In addition, he has authored two books on contemporary music: *Popular and Jazz Harmony* and *Melody and Harmony In Contemporary Songwriting*.

The cases for which he has testified in court as an expert witness are:

For the Defendant:

- (1980) *Soul On Your Side* v. *Disco Nights* (Arista records)
- (1988) *Just Another Night* (Patrick Alley) v. *Just Another Night* (Mick Jagger)
- (1991) *Es* v. *Hey* (Julio Iglesias/Sony Music Entertainment, Inc.)
- (1991) *Somebody, You & Me* (Thompson, et al.) v. *Stuck On You, Deep River Woman, & SeLa* (Lionel Richie, et al.)
- (1992) *I'll Be Your Everything* (G. Soule/Northside Partners) v. *I'll Be Your Everything* (J. Knight, D. Wood, ["New Kids On The Block"], T. Page/ Warner Bros. Records)
- (1993-4) *Run On Manchild, What Will Become Of The Children, Happy Go Lucky Girl, v. Thriller, We Are The World, Girl Is Mine* (Michael Jackson, Lionel Richie, Rod Temperton & Quincy Jones)
- (1994) *Dangerous* v. *Dangerous* (Michael Jackson)
- (1994) *Love Is A Wonderful Thing* (Isley Brothers) v. *Love Is A Wonderful Thing* (Michael Bolton & Andy Goldmark)
- (1995) *Movin' On* v. *Keep On Movin'* (Soul II Soul/Jazzie B)
- (1996) *I Cigni di Balaka* v. *Will You Be There* (Michael Jackson) in Rome, Italy
- (2007) *Atomic Dog* v. *D.O.G. In Me* (Public Announcement)

For the Plaintiff:

- (1987) *Pour Toi* (Gaste) v. *Feelings* (Kaiserman)
- (1988) *You Can't Always Get What You Want* (ABKCO Music) v. *Volvo* (Scali McCabe)

Anthony Ricigliano (page 2)

Mr. Ricigliano has worked on copyright claims/issues representing other recording artists or groups including: Gloria Estefan, Madonna, Mariah Carey, Prince, Kiss, Led Zeppelin, ZZ Top, Sting, Bob Dylan, Kenneth "Babyface" Edmonds, Billy Joel, Hammer, Orville "Shaggy" Burrell, R. Kelly, The Rolling Stones, Aerosmith, Guns & Roses, Deana Carter, Mystikal, Alanis Morrissette, Stevie Wonder, Limp Bizkit, Kid Rock, Gwen Stefani, Marshall Mathers (Eminem), Lenny Kravitz, Green Day, Destiny's Child (Beyoncé), Hillary Duff, Alicia Keys, Ja Rule, Avril Lavigne, Nelly Furdato, etc.

For musical comparison/analysis, written reports, preparation of charts and other expert services Mr. Ricigliano's basic fee rate is - \$350.00 per hour.

Recent Depositions (for defendants)

In February 2009, Mr. Ricigliano was deposed in the *Rickey A. Allen v. Child, et al.* in the US District Court for the Northern District of Illinois, Eastern Division involving the compositions *Cater 2 U* by R. Allen and *Cater 2 U* by Beyoncé Knowles, et al.

In December 2006, Mr. Ricigliano was deposed in the *Chafir v. Carey, et al.* involving the compositions *Sexy* by Rachele Chafir and *It's Like That* by Mariah Carey, Jermaine Dupri, et al. (summary judgement granted to defendants' in September 2007)

In February 2004 Mr. Ricigliano was deposed in *Caragol v. Jackson et al.* involving the compositions *The Village Grist Mill* by Gary Gerth, Ted Caragol and Dona Caragol and the composition *Doesn't Really Matter* by James Harris III, Terry Lewis and Janet Jackson.

In November 2003 Mr. Ricigliano was deposed in *Lil' Joe Wein Music, Inc., and Lil' Joe Records, Inc., v. Strictly Rhythm Records, Inc., d/b/a/ Astral Werks Records, Inc., and d/b/a/ Skint Records, Sony Music Entertainment, Inc., Columbia Pictures Industries, Inc., Universal Music Publishing, Inc., and Columbia Tri-star Home entertainment, Inc., United States District Court Southern District of Florida* concerning the compositions *Shake Whatcha' Mama Gave Ya'* by Poison Clan v. *Shake Whatcha' Mama Gave Ya'* by Stik-E and the Hoods and *Ya Mama* by Fat Boy Slim.

In April 2003 Mr. Ricigliano was deposed in *Cottrill and Wnokowski v. Britney Spears, Zomba, Jive Records, Wright Entertainment and BMG Music Publishing* Civil Action No. 02 CV 3646. United States District Court Eastern District of Pennsylvania concerning the compositions *What You See Is What You Get* v. *What U See (Is What U Get)* and *Can't Make You Love Me*.

In August 2002 Mr. Ricigliano was deposed in *Cooper v. Sony Music Entertainment, et al.*, Civil Action No. 01-0941, Southern District of Texas concerning the compositions *Boys Night Out* and *Bounce With Me* (by Jermaine Dupre et al.).

In January 1999 Mr. Ricigliano was deposed in *Darryl Lemon, a.k.a. D'Maurice, Plaintiff (Never Live Without Your Love) v. Prince Roger Nelson, a.k.a. The Artist Formerly Known As Prince, et. al (I Hate You)*. Case NO C97-1330C United States District Court Western District of Washington at Seattle.

In addition, Mr. Ricigliano yearly reviews hundreds of musical compositions created to accompany commercials for various products and purposes that are utilized for public radio and TV broadcasting

A partial list of clients that have used the services of Donato include:

ABKCO Music Inc.
Atlantic Record Corp.
BBDO
Bender & Frankel
BMG Music Publishing, Inc.
Chiat/Day Inc.
Cooley Manion Jones (Boston)
Cowan, Liebowitz & Latman
DDB Chicago
Elias Associates (New York, Los Angeles)
EMI Music Publishing (New York, Canada)
Draft/fcb (New York, San Francisco)
Greenberg Glusker Fields Claman Machtinger & Kinsella
Katz & Cherry (Atlanta)
Leo Burnett (Chicago)
Manatt, Phelps & Phillips
McCann-Erickson (New York and Detroit)
Mitchell Silberberg & Knupp (Los Angeles)
Ogilvy & Mather (New York and Los Angeles)
Proskauer Rose
Pryor, Cashman
Richards & O'Neil
Rosenfeld, Meyer & Susman (Los Angeles)
Rudin, Appel & Rosenfeld (Los Angeles)
Sony Music Entertainment, Inc.
Twentieth Century Fox (Los Angeles)
Universal Music Group (New York, Los Angeles)
Warner/Chappell (Los Angeles)
Warner Bros. (Los Angeles)
Weil, Gotshal & Manges
Wells, Rich & Greene
White O'Connor Curry & Avanzado
Young & Rubicam (New York and Los Angeles)

"I Love This Town"

Appendix I

Vocal F G C F

I al-ways knew, that I'd like this place You don't have to look too far, to

Bass

Vocal G C F G C

find a friend - ly face I feel a - live when I'm walk-in' on the street

Bass

Vocal F G C F

I feel the heart of the ci - ty pound-in' un - de - rneath my feet Yeah, let the world keep spin-in round

Bass

Vocal G C F Emin Dmin C F G C

'n' round This is where it' all goes' down, down, down That's why I, love this town

Bass

Vocal F G sus4 C F G

That's why I, keep co - min' round Say hey say hey say yeah say yeah You

Bass

Vocal C F Emin Dmin C F G sus4 C

make me feel at home some how, right, now That's why I, love this town

Bass

"I Love This Town"

Vocal F G C

I got some good friends here, I might have broke a heart or two

Bass

Vocal F G C

It's get-tin' loud ov-er there, boys must have had a few And hey the

Bass

Vocal F G C A min7 F

cop on the cor-ner, he knows eve-ry-bo - dy's name And a kid with a train sing-in'

Bass

Vocal G C F G

for some spare loose change Yeah, let the world keep spin-in round 'n' round This

Bass

Vocal C F E min D min C F G C

is where it' all goes' down, down, down That's why I, love this town

Bass

Vocal F G sus4 C F

That's why I, keep co - min' round Say hey say hey say yeah

Bass

Vocal G C F E min D min C F G sus4

say yeah You make me feel at home some how, right, now That's why I, love this

Bass

"I Love This Town"

Appendix I (A - 3)

Vocal *town*

Bass

Chords: C, F, guitar solo, C, G, F, C, G, F, C

Vocal

Bass

Chords: G, A min7, F, C, G, F, C

Vocal

Bass

Chords: G, F, C, G, G

There's shout-in' from the roof-tops and

Vocal

Bass

danc - in' on the bars Hang - in' out the win - dow Driv - in' in their ba - bys cars You

Vocal

Bass

want it? You got it You read-y? I'm on it Come on now, here we go a gain That's

Chord: G7

Vocal

Bass

I, love this town That's why I, love this town

Chords: F, G, C, F, G sus4, C

"I Love This Town"

Vocal

no mat-ter where your from to-night your from right here this this where is all goes down down

Bass

C F E min

Vocal

down That's why I, love this town say hey say yeah

Bass

D min C F G sus4 C F

Vocal

I love this town say hey say yeah I love this town say hey

Bass

G C F G C G/B A min G

Vocal

say yeah I love this town say hey say yeah I

Bass

F G C F G

Vocal

love this town

Bass

C G guitar solo C

Vocal

Bass

F G C F G

Vocal

Bass

C F G C

organ
3

E7

Vocal: Have you heard the news that's go-in 'round Our

Bass:

A7 E7

Vocal: home own team is ser-ies bound and the word is out on Yaw-keyWay our boys in red have come to play

Bass:

B7 A7 B7 A7 B7 D B/D# E7

Vocal: now get up off of your seats ev-ery-bo - dy scream Man I real-ly love this team they're the

Bass:

A7

Vocal: Yan-kees Roy-als and the Rays The Ti-gers, Rang-ers and the Jays then just ask Rem-Dawg in the box

Bass:

E7 B7 A7 B7 A7 B7 D B/D#

Vocal: an-y-one will tell ya Bos-ton rocks now get up off of your seats ev-ery-bo - dy scream Man I real-ly love this team

Bass:

E A7 E7

Vocal: and you got-ta keep be-liev - ing and you got to stay tough and you got to keep the faith and you

Bass:

A7 B7

Vocal: got to cow - boyup We'll stand up proud and say it loud c - mon and let em know say here we goRed Sox here we go here we go Red Sox here we

Bass:

"I Really Love This Team" Ending Excerpt Appendix I (B) page 2

E B7 A7 B7 A7 B7 D B/D#

Vocal

now get up off of your seats ev-ery-bo - dy scream Man I real-ly love this team now

Bass

B7 A7 B7 A7 B7 D B/D#

Vocal

get up off of your seats ev - ery-bo - dy scream Man I real-ly love this team now

Bass

B7 A7 B7 A7 B7 D B/D# E

Vocal

get up off of your seats ev - ery-bo - dy scream Man I real-ly love this team

Bass

APPENDIX II DEFINITIONS OF MUSICAL TERMS

A musical sound has four properties: *pitch, duration, intensity, quality*.

PITCH – the specific “area” (high or low) of a musical sound. There are twelve basic pitches. The seven letters used to designate pitch are A-B-C-D-E-F-G (represented by the white keys on a piano keyboard).

Other notes are shown by using sharps or flats added to these letters (represented by the five black keys on a piano keyboard).

A SHARP (#) raises the basic note a half step. For example, A#.

A FLAT (b) lowers the basic note a half step. For example Bb.

A NATURAL (♮) cancels the previous sharp, or flat.

DURATION – length of time a musical sound (or silence) is sustained

INTENSITY – the volume - how loud or soft is the sound.

TONE QUALITY /COLOR or TIMBRE (pronounced tamber) – the property of a musical sound that distinguishes one instrument from another

A NOTE – symbol which represents the relative length in time of a musical sound (whole, half, quarter, eighth, sixteenth, etc. - notes or rests). When placed on a staff a note is used to represent both pitch and duration.

A REST – the symbol which represents the relative length in time of silence.

A TIE – a curved line connecting *two consecutive notes of the same pitch* - performed as a single note, their total time value being combined.

RHYTHM – may refer to all aspects of time or more specifically to *the organization of time values* (musical sound and silence) within a composition.

BEAT – refers to the recurring rhythmic unit to which one responds when dancing, marching, etc.

TEMPO – refers to the speed at which the beats follow one another.

Grouping beats into 2, 3, 4, etc., creates METER. The first note of each group is given a primary accent (>). These groupings divide the music into bars and are shown by using vertical lines on the staff, and by a TIME SIGNATURE. For example, 4/4 time (often shown by the symbol C for Common time), meaning each bar contains four beats.

MUSICAL STAFF – consists of 5 lines and 4 spaces

Whole and half steps – the distance between any two consecutive notes on a piano keyboard is a half step, two half steps equal one whole step.

SCALE – series of pitches arranged in an ascending (or descending) pattern.

The Major and natural minor scales consists of eight consecutive notes – 1-2-3-4-5-6-7-8 (1). In C major the notes are C-D-E-F-G-A-B-C.

SCALE-STEPS the pitches within a scale, numbered according to their position. For example, rather than "do, re, mi, fa, sol, la, ti, do," the notes may be referred to as scale steps "1, 2, 3, 4, etc." respectively.

The MAJOR SCALE – consists of eight consecutive notes 1-2-3-4-5-6-7-8 (1) with half steps between 3-4 and 7-8 scale-steps, all other scale-steps are whole steps.

DEFINITIONS OF MUSICAL TERMS **page 2**

KEY - the organization (such as a scale) and relationship of pitches in music implying a central pitch. For example, if c major is the first note of the major scale on which a song is based, the song is said to be in the key of C major (The note "C" would also be scale step 1, D would be scale step 2, etc.)

KEY SIGNATURE – flats or sharps placed at the beginning of the staff to show which notes are to be used. For example, A, A^b or A[#].

MELODY – a series of consecutive notes having rhythm, pitch, contour or shape, (when one hums they are usually humming a melody). Melody is generally organized into musical units or ideas which are added together to form musical phrases which are combined to form musical sections.

CONTOUR (Melodic) - refers to the linear (horizontal) shape or profile that emerges by the upward, downward and repetitive movement of the notes within a melodic line.

MELODIC UNIT – a group of consecutive notes forming a self-contained entity.

PITCH SERIES – a group of pitches which may or may not be motivic.

CHORD SYMBOL – a capital letter often followed by letters and/or abbreviations that act as a musical shorthand for the chord's structure. For example, a C major triad - C, a C minor triad - Cm (or Cmin), a C seventh chord (C-E-G-B^b) – C7, etc.

A CHORD – combining pitches into 3 (or more) note vertical units (sometimes defined as the simultaneous sounding of 3 or more notes). For example a C major triad (3 note chord) consists of the pitches C, E and G.

TRIAD – is a three note chord containing a **ROOT**, (note from which the chord is built) the 3rd (middle note) and 5th (top note). For example the C major triad is built up from the root C and contains an E (3rd) and G (5th).

SEVENTH CHORD – is a four note group containing a root, 3rd, 5th and 7th (interval above the root). For example G7 (includes G-B-D-F)

CHORD PROGRESSION – the movement from one chord to another.

CHORD PATTERN –series of two or more chords that are usually repeated

FORM/STRUCTURE - the organization of the musical composition into various sections (verse, chorus, bridge, etc.). These larger sections may be subdivided into phrases, melodic units, motives, etc.

PHRASE STRUCTURE - how the length of the phrase is organized, may refer simply to the length or may include the rhythmic organization.

VERSE – section of a song that generally precedes what is considered to be the main section of the work. It generally establishes the mood or 'sets up' the chorus (gives background information or tells a story, etc.)

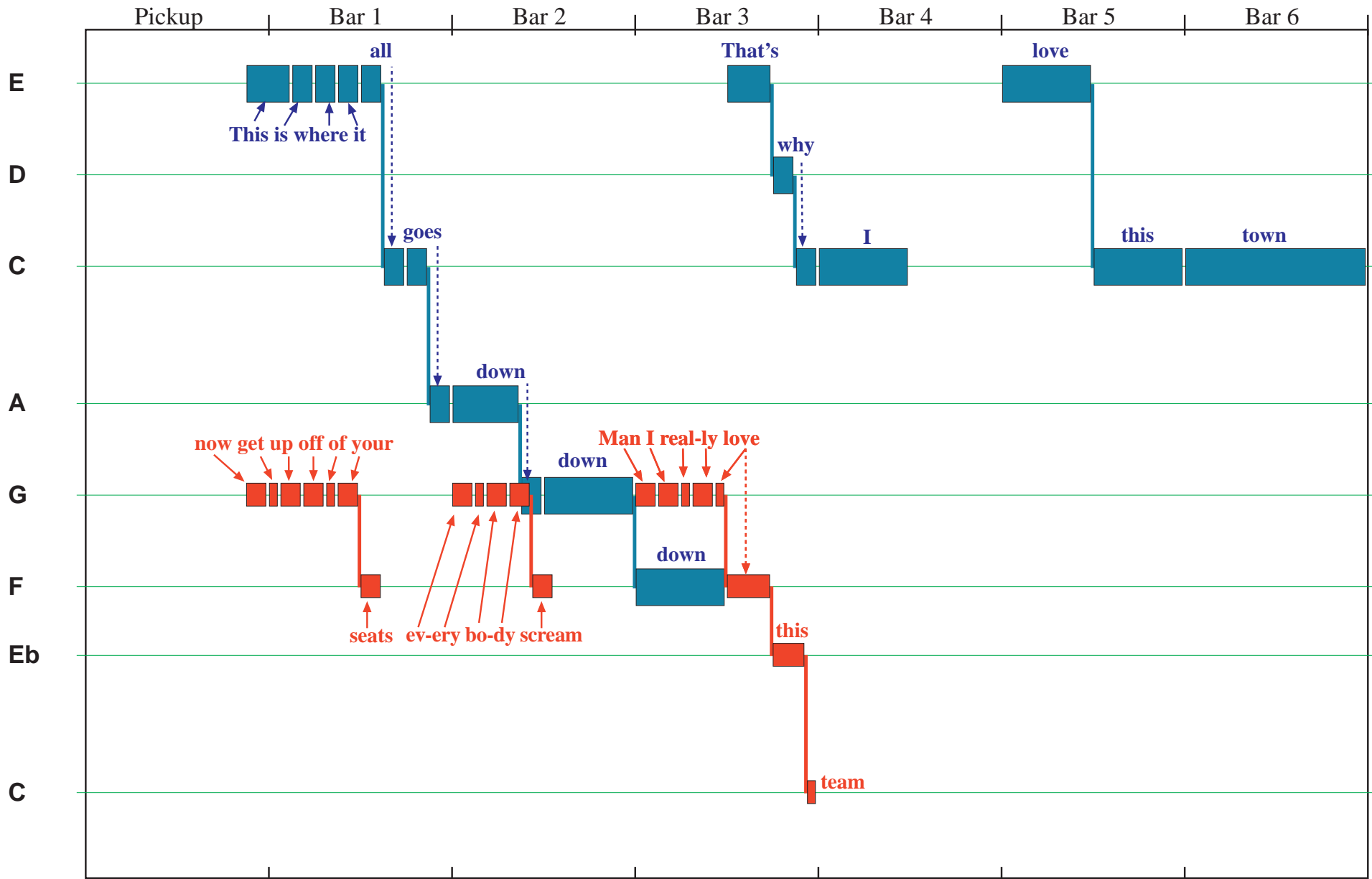
CHORUS or REFRAIN – the main section which usually contains the title of the song.

ACCOMPANIMENT - The musical background (chords, bass, percussion, etc.) used to support the principal part or parts of a work.

HOOK – a distinctive and memorable element within a composition that is repeated and or developed. A main melodic element may be considered a hook or the title phrase of a composition is usually considered a hook.

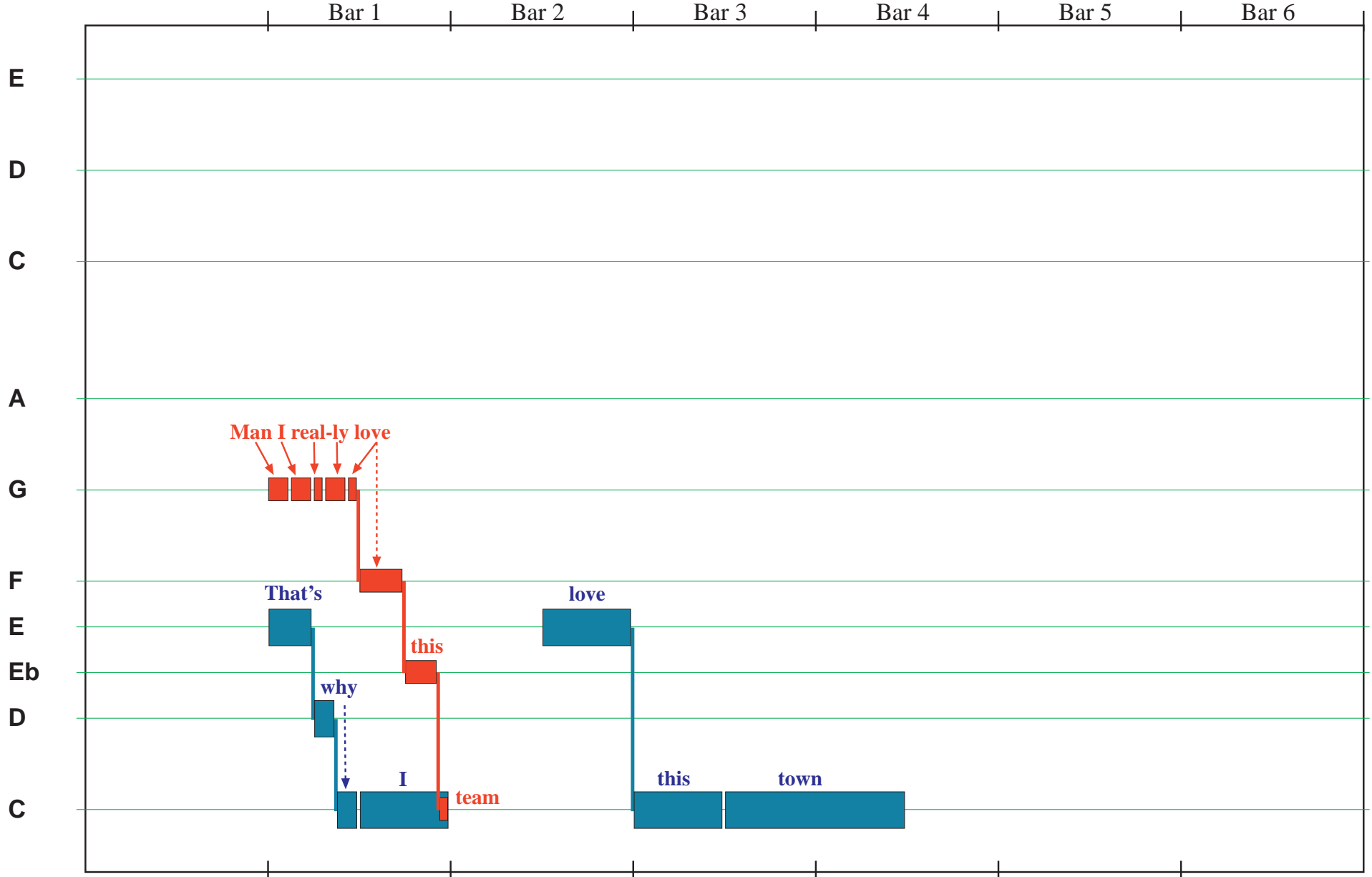
GRAPHIC 1

■ I Really Love This Team • I Love This Town ■



■ I Really Love This Team • I Love This Town ■

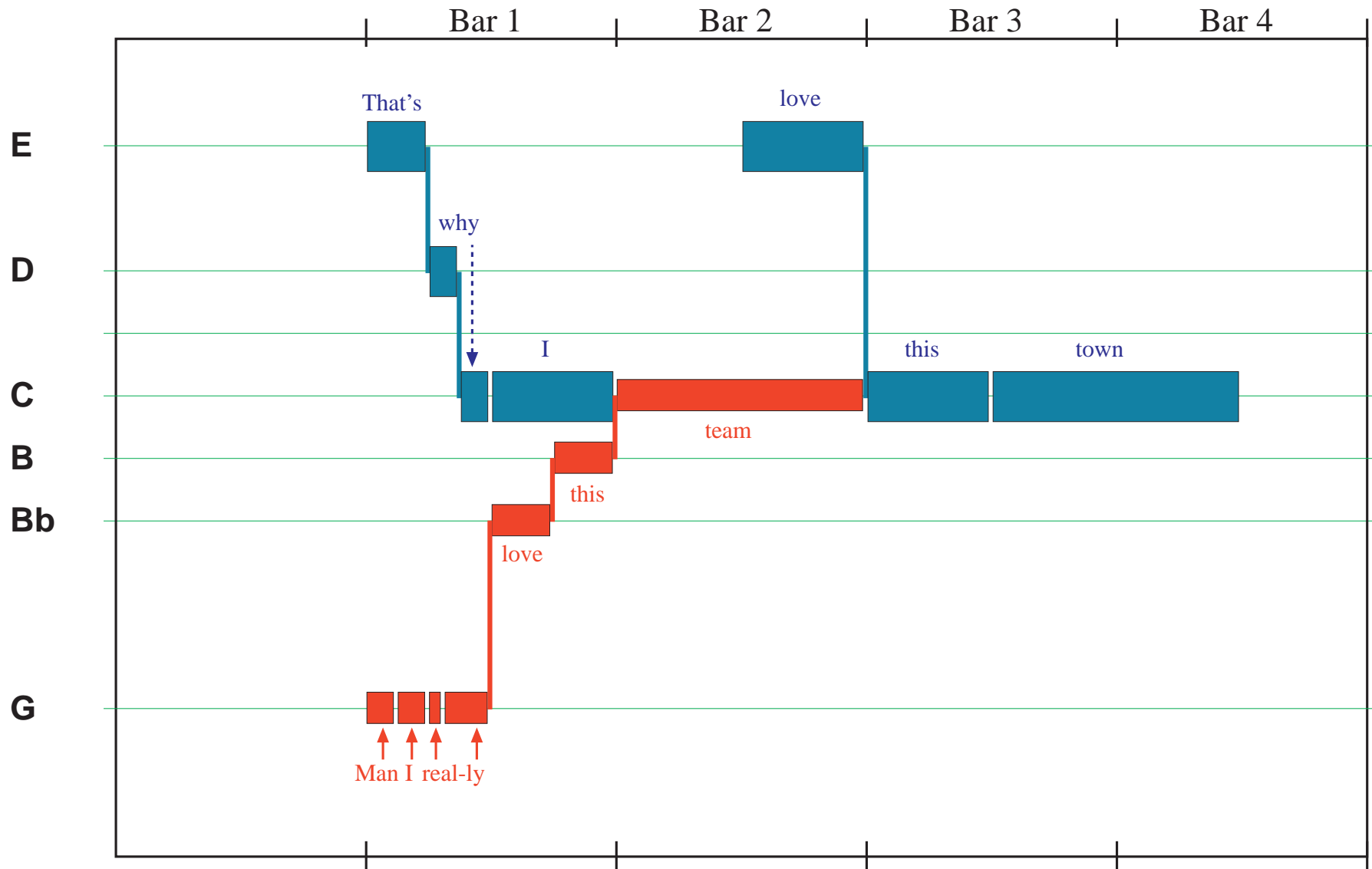
GRAPHIC 2



Note: Blue blocks shifted to same starting point as red and moved down an octave for comparison

GRAPHIC 3

■ I Really Love This Team (Last Unit) • I Love This Town ■



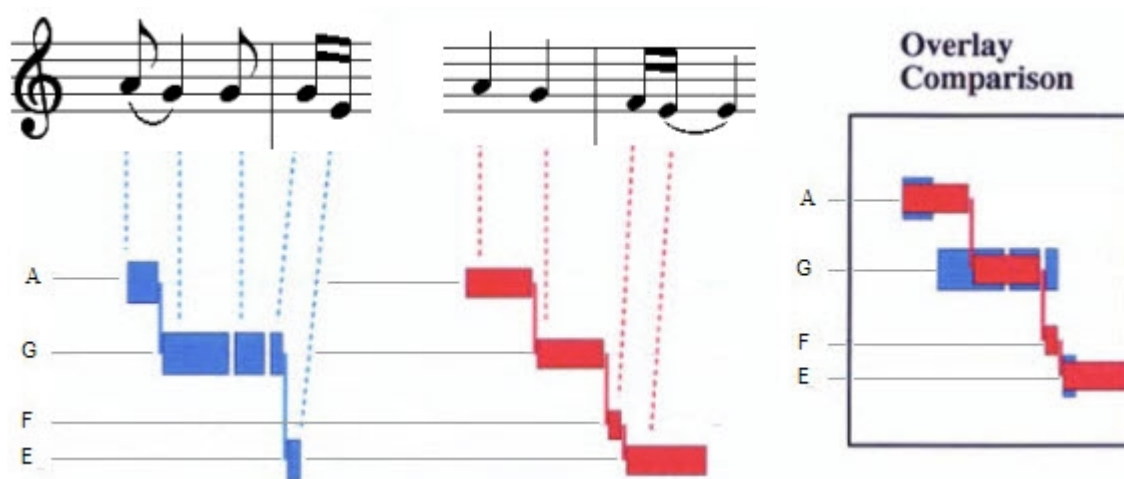
Note: Blue blocks shifted to same starting point as red for comparison purposes

INTRODUCTION TO PRECISION MUSIC GRAPHICS:

In 1990 Music Research Consultants and later OTO Music Services developed a system of creating precision music graphics that has proved in trials over the years to be a far more accurate and revealing method for non-musicians to view and compare musical ideas at issue.

Every Federal court to which they have been offered, including those in New York, Los Angeles and Denver, has accepted these graphic exhibits.

The examples below illustrate some of the methods used to translate complex musical notation into simple graphics which clearly represent the true structure of a melodic idea. In this process each note in a musical sequence is transformed into a colored block and correctly placed on a grid representing equal half-steps on the musical scale — the shortest distance between two notes in traditional western music. (See Melody 3 with piano keyboard on page 2.)



The length of each block is measured to the precise duration of the note. For instance, the first note A in the example above is an eighth-note shown in blue. The second note G is a quarter-note with a duration twice as long.

Generally two songs are shown using contrasting colored blocks. The difference in the vertical height of the blocks has no musical relevance. The difference simply allows one to compare both melodic lines when one graphic melodic representation is placed on top of the other (as shown in the Overlay Comparison above).

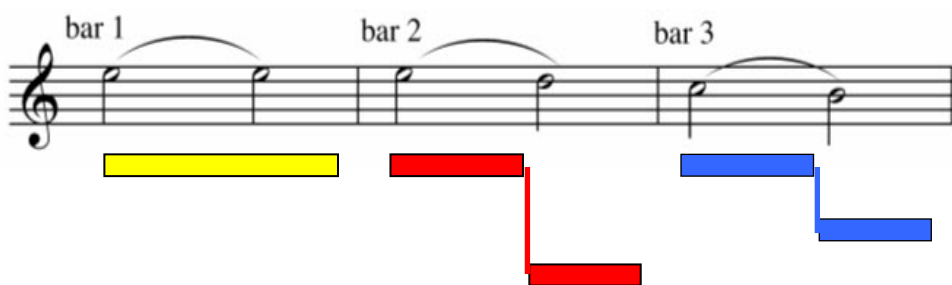
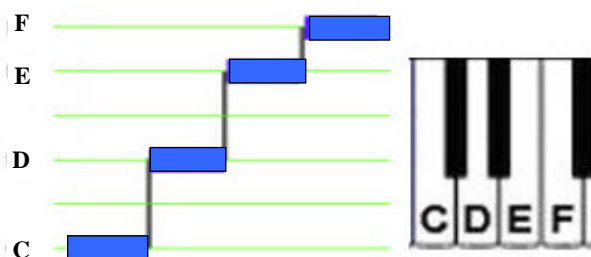
“Introduction to Precision Music Graphics” – 2

Traditional music notation contains symbols that may be unintelligible or misleading to the non-musician. Graphics are more precise and more easily comprehended. For example:

Melody 1. The number of notes – Melody 1 would appear to the non-musician to contain six notes. However, the graphic correctly shows only five. This is because the two notes in bar 1 are performed as a single note. The rule is adjacent notes of the same pitch attached with a curved line represent notes “tied” together and are performed as a single note (with their time values added together). The curved lines in bars 2 & 3 connect adjacent but different notes and are performed as two notes. These curved lines in vocal music indicates notes sung to a single word or syllable (in a single breath) that are “slurred” together.

Melodies 2a & 2b. A note’s length – In Melodies 2a and 2b it appears that the two bars begin with similar notes. The graphics clarify any misconception as to the number of notes and their time value. Melody 2a is only a single note and Melody 2b has two notes of very different lengths.

Melody 3. the spatial relationships between notes – In Melody 3 the four notes moving upward appear to be the same distance apart. However, the graphic accurately shows there are five half-steps between C and F. The first two notes C to D are two half-steps apart, and D to E is also two half-steps apart, but E to F, which looks the same in music notation, is only one half-step apart. The matching piano keyboard shows why this is true. There is no black note between E and F. (The same kind of vertical distortion may also be seen by comparing bars 2 and 3 in Melody 1. The two notes in bar 2 are two half-steps apart, but the two notes in bar 3 that look identical are only one-half step apart.)

Melody 1*Melody 2a**Melody 3**Melody 2b*

Donato Music Services, Inc.

74 Malvern Road, Scarsdale, NY 10583-4844
Telephone (914) 723-8385 • Fax (914) 472-4072
Anthony Ricigliano • Laurie Adamo • Musicologists
EMail: donatomu@optonline.net

Addendum to Report Regarding The Compositions

I Really Love This Team by Samuel Bartley Steele
and
I Love This Town by Bon Jovi

I reviewed the musicological report created for the plaintiff and allegedly submitted by Alexander Stewart labeled *I Love this Team/Town* “informal analysis” that is not signed or dated.

1. After examining this document I concluded that it does not alter my opinion but substantiates my conclusion that these works do not share any significant similarity and are not substantially similar in lyric content, melodic content (pitch series, rhythm or rhythmic patterns, melodic development and structure), or harmonic content, to suggest that *I Love This Town* copied anything from *I Really Love This Team*. Or that overall, the musical material in *I Love This Town* is dramatically different from that used in *I Really Love This Team*.

Dr. Stewart appears to have reached the same conclusion. On page two he states that:

“This case is not strong musicologically:

Melody of “hook” has only one note in common (1).

Three words in common, but not the most distinctive word, “team.”

Harmony is commonplace.

Both tunes consist primarily of I, IV, and V chords – the most commonly used chords in harmony.

Moreover, “Team” is a 12-bar blues.

One of the most distinctive harmonic figures in “Team,” the chromatic chord change (D-D#-E) at the end of the hook, is not found in “Town.”

Hook in “Town” begins on the IV chord... hook of “Team” begins on V....

Bon Jovi song has somewhat irregular structure.... “Team” is regular 4-and 8-bar sections

2. Dr. Stewart is correct in stating that his presentation is “informal.”

There are no musical transcriptions of either melody, only a lyric/scale step presentation without rhythm. Also noted were several errors in the pitch content of the melodies presented. For example, in the portion labeled Melody Hook for Town Dr. Stewart lists the pitch series 3-2-1 3-2-1 which should read 3-2-1 3-1-1.

3. Dr. Stewart lists the lyric and musical elements, namely:

Harmony,
Rhythm
Form,
Tempo/beat/groove,
Instrumentation/orchestration/arrangement.

However, for the most part these are rather simply stating the lyric and musical elements with some editorial comments. For example, under lyrics he states that there are “Only three words in common (“I” “love” “this”). He then continues:

“Bon Jovi’s song about a town (it’s very vague, without the video, there would be no connection to baseball).”

“In Bart’s song, the subject is clearly baseball and specifically the Red Sox.”

4. Dr. Stewart then gives a somewhat general analysis of the Harmony and then under Rhythm states:

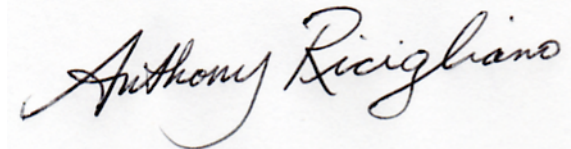
“Both songs share some common rhythmic figures, phrase length, scansion (analysis of verse into metrical patterns), but also significant differences exist.”

While no specific examples are given, the most important aspects of this presentation by Dr. Stewart are that any of these rhythmic figures are “common” and in addition he states that “... significant differences exist.”

5. It is difficult to understand why the plaintiffs would present this report since it reinforces the position that there is nothing musically significant or substantially similar in the TBS promotional video created by Mr. Steele using his song that indicates or substantiates any claim that his work was used as a reference to create the TBS video.

Therefore when all is considered, any legal claim of infringement by *I Really Love This Team* against *I Love This Town* is unjustified and without merit.

I verify that the forgoing is true and correct, under penalty of perjury.



Anthony Ricigliano
Musicologist
June 8, 2009