

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

_____	)	Civil Action No.
SAMUEL BARTLEY STEELE,	)	08-11727-NMG
BART STEELE PUBLISHING,	)	
STEELE RECORDZ,	)	
	)	
Plaintiffs	)	
	)	
v.	)	
	)	
TURNER BROADCASTING	)	
SYSTEM, INC,	)	
Et al,	)	
	)	
Defendants.	)	
_____	)	

**PLAINTIFFS’ RULE 55(a) MOTION FOR ENTRY OF DEFAULT AS TO  
DEFENDANT VECTOR MANAGEMENT**

Plaintiffs Samuel Bartley Steele, Bart Steele Publishing, and Steele Recordz (“Steele”) move this Honorable Court, pursuant to Fed.R.Civ.P. 55(a), for entry of default as to Vector Management. As detailed in the attached Memorandum In Support of this motion, Vector Management was properly served on December 8, 2008, but has, to date, failed to appear, plead, or otherwise defend and, accordingly, “the clerk must enter” Vector Management’s default. See Fed.R.Civ.P. 55(a).<sup>1</sup>

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<sup>1</sup> This Court’s April 3, 2009 Order dismissing certain defendants does not apply to Vector Management because, as detailed in the attached Memorandum in Support, that Order dismissed a party called "Vector 2 LLC," which was never named, sued, or served, and is not Vector Management.

**LOCAL RULE 7.1(A)(2) CERTIFICATION**

I, Christopher A.D. Hunt, hereby certify that on August 12, 2010 I conferred with defense counsel in a good faith effort to resolve or narrow the issues herein but could not obtain their agreement to the specific relief requested in this motion.

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

WHEREFORE, Plaintiffs Samuel Bartley Steele, Bart Steele Publishing, and Steele Recordz respectfully request that this Honorable Court allow Plaintiffs' Motion to Enter Default as to Vector Management and order the clerk to so enter Vector Management's default in the docket.

Dated: August 12, 2010

Respectfully submitted,

/s/ Christopher A.D. Hunt  
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**CERTIFICATE OF SERVICE**

I, Christopher A.D. Hunt, hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing and paper copies will be sent to those indicated as non-registered participants on August 12, 2010.

Dated: August 12, 2010

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

UNITED STATES DISTRICT COURT  
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Defendants.	)	
_____	)	

**MEMORANDUM IN SUPPORT OF PLAINTIFFS' RULE 55(a) MOTION FOR ENTRY OF DEFAULT AS TO DEFENDANT VECTOR MANAGEMENT**

Plaintiffs Samuel Bartley Steele, Bart Steele Publishing, and Steele Recordz (“Steele”) move this Honorable Court, pursuant to Fed.R.Civ.P. 55(a), for entry of default as to Vector Management. As detailed below, Vector Management was properly served on December 8, 2008, but failed to appear, plead, or otherwise defend and, accordingly, “the clerk must enter” Vector Management’s default. See Fed.R.Civ.P. 55(a).<sup>1</sup>

\_\_\_\_\_

<sup>1</sup> This Court’s April 3, 2009 Order dismissing certain defendants does not apply to Vector Management because, as detailed below, Vector Management failed to appear, defend, or move to dismiss. The Court's April 3, 2009 Order dismissed a party called "Vector 2 LLC," which was never named, sued, or served, and is not Vector Management.

## INTRODUCTION

Default must be entered against defendant Vector because:

1. Vector Management (“Vector”) – and in particular Vector’s Principal Jack Rovner - was, from 2005 until June 20, 2010 or thereabouts, Bon Jovi’s “longtime manager.” See “Bon Jovi Axes His Manager,” June 20, 2010, New York Post, attached as Exhibit A.
2. Vector’s General Manager, Joel Hoffman, personally accepted service in this case at 2:40 p.m. on December 8, 2008, at Vector’s correct address, 1607 17<sup>th</sup> Avenue S., Nashville, Tennessee 37212. See December 8, 2008 Vector Process Return and Receipt, attached as Exhibit B.
3. Defendant Vector had long been aware of Steele’s infringement claims - for at least eight months prior to being served – through: (1) direct communications with Steele by telephone, e-mail, and letters; (2) e-mails and letters from Vector’s clients, through counsel; (3) e-mails and letters from the American Society of Composers, Authors, and Publishers (“ASCAP”), which distributes – and eventually froze – Bon Jovi’s royalties relating to the infringing Bon Jovi work. See Steele Affidavit, attached as Exhibit C.
4. Vector failed to appear or otherwise defend. See Docket Sheet, attached as Exhibit D.

5. Instead, on December 8, 2008 – the day Vector was served – an entity claiming to have been “misidentified” as Vector Management, “Vector 2 LLC” (“Vector 2”) filed its appearance. See Vector 2 Notice of Appearance, attached as Exhibit E.<sup>2</sup>
6. Vector 2 is a Delaware limited liability company. See Vector 2 Delaware and Tennessee Secretary of State Filings, attached as Exhibit F.
7. Vector 2 is registered in Tennessee and lists its principal address in Tennessee as 1600 Division St., Suite 620, Nashville, Tennessee 37203 – not 1607 17<sup>th</sup> Avenue S., Nashville, Tennessee 37212, which is Vector’s principal address. See Id.
8. Vector 2 was not served in this case. See Exhibit D. See also Exhibit B.
9. Vector 2 is not Vector. According to Vector 2’s Corporate Disclosure Statement, filed with its appearance on December 8, 2008:

Vector 2 LLC is a limited liability company organized under the laws of the State of Delaware and is a wholly owned subsidiary of Vector Management LLC, which is 50% owned by Front Line Management Group Inc., which is 75% owned by Ticketmaster Entertainment Inc.

See Vector 2 Corporate Disclosure, attached as Exhibit G.

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<sup>2</sup> There is no such entity as “Vector 2 LLC” registered in Delaware or Tennessee. There is a Delaware-based “Vector Two LLC.” For purposes of this motion, Steele assumes this is a misnomer.

10. “Vector Management LLC” (“Vector LLC”) the claimed owner of Vector 2, is a Delaware entity that registered to do business in Tennessee on October 29, 2009, more than 10 months after Vector was served. See Vector LLC’s Tennessee and Delaware Secretary of State filings, attached as Exhibit H.
11. Vector LLC lists its “Principal Address” as 1607 17<sup>th</sup> Avenue S., Nashville, Tennessee 37212 , the address at which Vector’s General Manager, Joel Hoffner, accepted service on behalf of Vector served 10 months earlier. See Id.
12. Vector 2 is not and has never been Bon Jovi’s manager, nor was it ever involved or even mentioned during Steele’s lengthy pre-litigation attempts at negotiation. See Steele Affidavit, attached as Exhibit C.
13. Vector 2 is – according to its counsel - a subsidiary of Vector LLC and, therefore, cannot unilaterally substitute its appearance for its parent company. See Exhibit G.
14. A simple Google internet search reveals that Vector 2 has no public connection or relationship to Bon Jovi or their manager, Jack Rovner; conversely, Vector

- Management is heavily connected to Bon Jovi and Jack Rovner.<sup>3</sup>
15. As recently as June 20, 2010 defendant John Bongiovi (“Bongiovi”), referring to his decision to fire Vector and Jack Rovner, stated to the New York Post “the tidbit you have received regarding the split between Vector Management and Bon Jovi is inaccurate,” going on to explain that the split was on good terms. See Exhibit A.
16. The June 20, 2010 New York Post article (Exhibit A) further quotes a “spokeswoman for Vector Management” as saying “Jack [Rovner] and everyone at Vector are very proud of the work they did with Bon Jovi together over the last five years...” See Exhibit A.
17. Accordingly, the intended, named, and served defendant in this case was Vector - not Vector 2.
18. Vector failed to appear, despite (1) detailed and longstanding knowledge of Steele’s

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<sup>3</sup> Google Search Results (August 8, 2010):

- 1) "Vector Management" & "Bon Jovi Management" = 49 results
- 2) "Vector 2" & "Bon Jovi Management" = 0 results
- 3) "Vector Two" & "Bon Jovi Management" = 0 results
- 4) "Vector Management" & "Jack Rovner" = 475 results
- 5) "Vector 2" & "Jack Rovner" = 2 results (neither referring to an entity named "Vector 2")
- 6) "Vector Two" & "Jack Rovner" = 0 results



claims against Vector and its clients; (2) properly executed service of Vector at the correct address by a United States Marshal; and (3) personal acceptance of service by Vector's General Manager.

19. Vector has defaulted and it is hornbook law that the voluntary appearance of another entity, the unnamed and un-served alleged subsidiary of Vector, Vector 2, in no way mitigates Vector's default. Indeed, the temporal congruity of Vector 2's voluntary appearance with service of process on Vector may not be a coincidence.

### **FACTUAL BACKGROUND**

On October 8, 2008 Steele sued a number of parties for copyright infringement, including Bon Jovi band members Bongiovi and Richard Sambora ("Sambora"), and Bon Jovi's manager, Vector. Specifically, Steele asserted that his exclusive rights in his works "Man I Really Love This Team" and "Man I Really Love This Town" were infringed by a commercial baseball advertisement that included a Bon Jovi-performed soundtrack created while Bon Jovi was managed by Vector and Jack Rovner.

#### **I. Steele's Eight Months of Pre-Suit Communications with Vector Management**

Prior to filing suit, Steele made a number of overtures to various defendants, over a period of many months, including Vector, in an attempt to resolve the dispute without litigation. As detailed in the chronology below, Steele contacted Vector directly on more

than one occasion and Vector was also contacted by several intermediaries about Steele's infringement claims. Accordingly, Vector was fully prepared for, and expecting, the service of process its General Manager accepted on December 8, 2008.

1. Steele, Vector, ASCAP and Bon Jovi's Attorneys Correspond

Steele and defendants Bongiovi and Sambora are each members of ASCAP, a performing rights organization that claims to advocate for, and protect the rights of, songwriters and publishers. See Steele Affidavit, attached as Exhibit C at ¶ 3-4.<sup>4</sup> Steele contacted ASCAP in early 2008 and was advised to refrain from legal action – or from even sending cease and desist letters - and to allow ASCAP to help mediate the dispute informally by getting the parties together. See, e.g., Exhibit C at ¶¶ 22-27, 32, 34-35; see also Exhibit 1 to Exhibit C (Steele Affidavit) (Steele's Complaint describing ASCAP's continued insistence that they would help Steele resolve his claims informally while, in fact, stonewalling Steele and protecting their "biggest fish," Bon Jovi).

In mid-January 2008 Steele contacted ASCAP by telephone, informing them of Bon Jovi's infringement of his works and, on Wednesday, January 23, 2008, pursuant to their request, Steele sent ASCAP a letter formally requesting that ASCAP "stop paying royalties"

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<sup>4</sup> References to Exhibit C, the Steele Affidavit, include and incorporate by reference Exhibits 1 through 13 to the Steele Affidavit.

on Bon Jovi's infringing derivative "I Love This Town" from their album "Lost Highway."<sup>5</sup>

See Exhibit C at ¶¶6-7.<sup>6</sup>

In early February 2008 Steele called Vector Management directly, hoping to speak with Jack Rovner, Bon Jovi's manager at Vector, about Steele's infringement claims. See Id. at ¶¶ 10-12. Steele spoke with Mr. Rovner's assistant, a woman named "Libby" who listened to Steele's story and promised to personally inform Mr. Rovner of Steele's claims. See Id. Libby asked Steele to put his allegations in writing, which she promised to personally present to Mr. Rovner, and gave Steele her e-mail address: "[libby@vectormgmt.com](mailto:libby@vectormgmt.com)." See Id.

On February 10, 2008 Steele e-mailed "Libby" his allegations in writing, which he also sent by first class mail to Jack Rovner. See Id. at ¶¶ 13-15. Steele's letter requested a "meeting with Bon Jovi or Jack Rovner." See Id.

On February 25, 2008 Steele sent ASCAP representative Robert Cheatham evidence substantiating Steele's infringement allegations. See Id. at ¶ 16. On March 21, 2008, Steele spoke with ASCAP representatives Robert Cheatham and Andrew Rodriguez. See Id. at ¶¶

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<sup>5</sup> ASCAP eventually did freeze – and continues to freeze - Bon Jovi's royalties as requested.

<sup>6</sup> As detailed below, five days later - on the following Monday - January 28, 2008, "Vector Management LLC," a Delaware limited liability company, was formed, though it did not register in Tennessee until October 29, 2009.

17-22. The call, which Steele placed on speakerphone, was also witnessed by Steele's friend, Carly Sokolove who later submitted an affidavit to this Court testifying as to substance of the teleconference. See Id. Mssrs. Cheatham and Rodriguez stated that they found it "very hard to believe that this (the Bon Jovi song) was independent creation on their (defendants') part with the whole baseball thing and video." See Id. Mssrs. Cheatham and Rodriguez further explained how often "this type of thing happens" in the music and advertising businesses, "because that's what [Mssrs. Cheatham and Rodriguez] deal with here in the repertory department." See Id.

Four days later, on March 25, 2008, Mr. Cheatham sent an ASCAP "discrepancy letter" relating to the Bon Jovi soundtrack/song to defendants Bongiovi, Sambora, Sony/ATV Tunes LLC, and Universal Music. See Id. at ¶ 23.

On April 4, 2008 Steele sent another letter directly to Jack Rovner at Vector Management (which Steele also sent to the parties addressed in Mr. Cheatham's March 25, 2008 letter and cc'd to Robert Cheatham of ASCAP). See Id. at ¶¶24-27. Steele's April 4, 2008 letter to Rovner, et al., explained that he was, at ASCAP's prompting, seeking to "discuss the matter informally with [Rovner, et al.] before [Steele] pursue[d] his legal remedies." See Id. Steele offered to meet at the April 10, 2008 ASCAP conference in Los Angeles, at which defendants Bongiovi and Sambora were to speak. See Id. Steele further offered to make himself available at any time during the ASCAP conference and provided his

cell phone number. See Id. Three days later, on April 7, 2008 Steele received an e-mail in response, from a Copyright Manager for defendant Universal Publishing Group, one of Bon Jovi's publishers, stating that Universal would be "working on [defendant Bongiovi's] behalf to resolve this matter with [Steele]," See Id. at ¶ 28.

2. Steele Shut Down, 'Kept Away'

Upon arrival at the Los Angeles ASCAP conference, however, Steele found that defendants' attitudes had shifted considerably. On the morning of on April 10, 2008, in Los Angeles, Steele logged on to his e-mail at an internet café and saw a letter dated April 9, 2008 (sent while Steele was in transit) from defendant Bongiovi's attorney, Peter Laird, warning that "any further pursuit of [Steele's] claim... shall be deemed harmful to our client's interests, and we shall vigorously enforce our client's rights therein." See Id. at ¶ 29-30. Later that day, April 10, 2008, ASCAP employee John Baird informed Steele that neither defendants Bongiovi and Sambora, nor their representatives, would meet with Steele and that ASCAP had been warned to "keep [Steele] away." See Id. at ¶ 31.

Mr. Baird further told Mr. Steele – who inquired why ASCAP had yet to freeze Bon Jovi's royalties - that "Bon Jovi is [ASCAP's] biggest fish" and that Steele should be "going after" Turner. See Id. at ¶ 33. An ASCAP legal representative at the conference, Ellen Meltzer-Zahn informed Steele that it was "very strange" that ASCAP had not yet frozen Bon Jovi's royalties. See Id. at ¶ 35.

On April 15, 2008, Steele received a letter from a different attorney representing defendants Bongiovi and Sambora, Michael Guido – this one cc'd to several defendants (or their attorneys), including Vector's Jack Rovner – regarding Steele's copyright infringement claims. See Id. at ¶¶ 36-37.

3. Steele Responds

Steele replied to the letters and e-mails from attorneys Laird and Guido, as well as from Ms. Castle, on April 20, 2008, noting that defendants and their counsel had refused to meet with Steele. See Id. at ¶¶ 38-39. Steele's April 20, 2008 letter demanded that the recipients, each of whom represented Vector's client, Bon Jovi, in some capacity:

take all necessary and appropriate steps to preserve and protect any and all evidence that may be in any way relevant to this dispute. This includes, without limitation, all documents and/or electronic data in your possession, custody or control. In order to assure that your obligation to preserve documents and things will be met, please forward a copy of this letter to all persons and entities with custodial responsibilities for any materials relevant to this dispute. Your failure to preserve such evidence may subject you to additional claims for spoliation of evidence under state and federal law.

See Id. at ¶ 39.

Steele's letter appears prescient. See Steele v. TBS, et al., 09-2571 (1<sup>st</sup> Cir.), pending.

II. Vector Management

In 1986 Vector Management was founded in Nashville, Tennessee by Ken Levitan and Jack Rovner. See September 3, 2005 August 30, 2005 articles, attached as Exhibit I.

Over the years, Vector became a successful talent management company, well-known in the entertainment business, particularly in recent years, managing, among others, well-known acts such as Bon Jovi. See Exhibit A.

Jack Rovner and Vector managed Bon Jovi from 2005-2010. See Id.

Vector Management's Nashville Address is 1607 17<sup>th</sup> Avenue South, Nashville, TN 37212. See Exhibit B. See also Nashville Yellow Pages (online) listing, attached as Exhibit J.

Joel Hoffner, who accepted service on behalf of Vector Management at the above address, is an officer or principal of Vector Management at the above address. See Articles, attached as Exhibit K.

Bon Jovi's management company was widely known as "Vector Management" (of Nashville) by virtually everyone, including defendant Bongiovi himself. See, e.g., Exhibits A, I, K. On the other hand, "Vector Management LLC," is not publicly associated with Bon Jovi or even Nashville.<sup>7</sup> This is unsurprising, given that Vector Management did not register as a limited liability company until January 28, 2008 (five days after Steele's first letter to ASCAP regarding Vector's client's infringement of Steele's works), and in Delaware, not

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<sup>7</sup> A Google internet search (August 11, 2010) for "Vector Management LLC" and "Bon Jovi" yields no results. A search for "Vector Management LLC" and Nashville yields four results, none of which relate to a "Vector Management LLC" in Tennessee.

Tennessee. See Exhibit H.

More to the point, Vector Management LLC did not register (as a foreign – Delaware – company) in Tennessee until October 29, 2009. See Exhibit H.<sup>8</sup>

Vector’s LLC registration in Tennessee came more than 10 months after Steele effected service on Vector; more than a year after Steele filed his complaint; more than 18 months after Steele’s first direct contact with Vector. See Exhibit C.

Vector’s Tennessee LLC registration also occurred just over two weeks after this Court declined to reconsider the dismissal of Steele’s claims as a matter of law, which was Steele’s last *pro se* filing and, by all appearances, had terminated his case.

**III. Vector Appears in Ohio Infringement Action as “Vector Management” While Appearing as “Vector 2” in Steele’s Case**

In July 2008, three months before Steele’s suit and at least five months after Steele first contacted Vector, Vector was sued for copyright infringement in the Northern District of Ohio – and properly served at Vector’s address: 1607 17<sup>th</sup> Avenue South, Nashville, Tennessee 37212. See Civil Summons, C.A. No. 1:08-cv-01761 (N.D. OH) (“Vector

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<sup>8</sup> The Tennessee Secretary of State’s online record of the October 29, 2009 registration of “Vector Management LLC” to do business in Tennessee indicates that “Vector Management LLC” was formed in Delaware on February 26, 2008, not January 28, 2008, as indicated in Delaware’s Secretary of State records. See Exhibit H.



Ohio Case”), attached as Exhibit L; see also Docket Sheet, Vector Ohio Case, attached as Exhibit M.

Even though named as “Vector Management, Inc.” (emphasis supplied) (“Vector, Inc.”), Vector, Inc. – properly served at the above address - filed its notice of appearance on September 5, 2008. See Vector, Inc. Notice of Appearance, Vector Ohio Case, attached as Exhibit N. Vector 2 did not appear in the Vector Ohio Case. See Id.

Neither the Delaware nor Tennessee Secretaries of State have a record of any active entity called “Vector Management, Inc.” at 1607 17th Avenue South, Nashville, Tennessee 37212. Tennessee has one entity registered under that name, at a different address, which has been inactive since 1999.<sup>9</sup> In the Ohio case, however, Vector, Inc., nonetheless “admitted” in its answer that it was a “Tennessee corporation with its principal place of business in the Nashville, Tennessee metropolitan area.” See Answer at 2, Vector Ohio Case, attached as Exhibit O. Vector, Inc.

In its Corporate Disclosure Statement in the Vector Ohio Case, Vector Inc. stated that it was neither a parent nor a subsidiary of any publicly owned corporation (also, apparently no questioned why - as an alleged “Tennessee Corporation” - it was not listed in

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<sup>9</sup> See <http://tnbear.tn.gov/ECommerce/Common/FilingDetail.aspx?FilingNum=000354362>.

the Tennessee Secretary of State's corporate database. See Vector, Inc. Corporate Disclosure Statement, Vector Ohio Case, attached as Exhibit P.<sup>10</sup>

Regardless, Vector, Inc. did not, obviously, appear in the Ohio Vector Case as "Vector 2 (or "Two") LLC." Less than a month after Vector, Inc.'s appearance in Ohio, Steele filed his October 8, 2008 complaint in this Court against Vector Management, among others. Two months after that, on December 8, 2008, Vector was served at the same address where "Vector, Inc." had been served in the Ohio Vector Case: 1607 17th Avenue S., Nashville, TN 37212. See Exhibit L.

Unlike the Ohio Vector Case, however, on the date Vector was served in this case, December 8, 2008, a brand new and heretofore unknown entity, Vector 2, appeared, claiming it was actually "Vector" but had been "misidentified."

#### IV. Conclusion

The above chronology and analysis admittedly provide more information than typically required for a simple entry of default. The facts plainly show that Vector was served and failed to "appear or otherwise defend," which is the standard extent of inquiry for

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<sup>10</sup> Vector 2's Corporate Disclosure Statement in this case, on the other hand, indicates that Vector LLC is a subsidiary of the publicly traded Ticketmaster Entertainment, Inc. See Exhibit G.

the clerk to enter default. See Fed.R.Civ.P. 55(a).

A Rule 55(a) "Request for Default" should not, in other words, require such a lengthy brief under normal circumstances. Unfortunately, this case has been anything but "normal." Most germane to the matter at hand, opposing counsel's eloquent but utterly vacuous opposition to Steele's earlier Rule 55(a) motion as to defendant Major League Baseball Advanced Media, L.P. compels Steele to anticipate the worst; to provide, in other words, the extensive "back story" to the Court, with supporting evidence, as to Vector to – hopefully - pre-empt a similarly frivolous opposition to this motion.

WHEREFORE, Plaintiffs Samuel Bartley Steele, Bart Steele Publishing, and Steele Recordz respectfully request that this Honorable Court allow Plaintiffs' Motion to Enter Default as to Vector Management and order the clerk to so enter Vector Management's default in the docket.

Dated: August 12, 2010

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I, Christopher A.D. Hunt, hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing and paper copies will be sent to those indicated as non-registered participants on August 12, 2010.

Dated: August 12, 2010

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

# EXHIBIT A



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Story

Bon Jovi axes his manager

Last Updated: 2:47 AM, June 20, 2010
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PARTING is such sweet sorrow for Jon Bon Jovi and his longtime manager, Jack Rovner, who was fired this week after a number of snafus.

While no one will say anything unkind on the record, Rovner was seen around town crying in his beer because Jon told him, "I'm going in a different direction."

Rovner and his Vector Management were blamed for problems with the \$1,000 VIP concert tickets sold in larger markets on the band's tour for their latest album, "The Circle." The VIP tickets were supposed

to include a meet-and-greet with Bon

Jovi and even a photo with the rock



Jon Bon

icon. But fans have been complaining they were never granted the promised access.

Richard Johnson with Emily Smith, Stephanie Smith and Tara Palmeri

Cindy Adams

- Friendship got tequila onto 'Entourage'
Home Depot, Macy's fight over Martha Stewart
Astor Courts owner still trying to sell Chelsea Clinton's wedding venue
Naomi Campbell's boyfriend's ex-wife having second thoughts about daughter's acting career
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Lea Michele has good manners
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A New York mom beat the recession with this trick. Read more.



New York: Mom spills secret on how she makes \$6795/mo part time.



Senator warns of a financial 'meltdown'. Dick Morris reveals how to prepare for coming 'aftershock'.

Add Your Link Here!

Video

Rovner was also responsible for Jon doing an "artist in residence" stint at NBC, which blocked the band from promoting the album on other networks, and for the **Showtime** documentary "When We Were Beautiful," in which "Jon makes the rest of the band admit they are paid employees and owe everything to him," as one insider put it.

"Rovner recently sent his lawyer, **Michael Guido**, to ask Jon for a raise and was told he was lucky to have a job," said our source.

**Bon Jovi** e-mailed us: "Though I personally live for and love Page Six, I'm sorry to say that the tidbit you have received regarding the split between Vector Management and Bon Jovi is inaccurate. The boring truth is we decided to go in different directions and thanked both Jack and his team for a great job. He is and will remain a close friend and someone who I will be very grateful to for his dedication."

A spokeswoman for Vector Management said: "Jack and everyone at Vector are very proud of the work they did [with Bon Jovi] together over the last five years, including their first Grammy awards, first No. 1 chart debuts globally, and even a No. 1 on the country charts. Vector continues to represent the nation's top-selling acts, including Kings of Leon, **Kid Rock**, **Dierks Bentley** and many others."

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Hey BJ, my grandma loves your music.

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John33 nobody is attacking his performing/singing. The way he has it that people work for him, yet play alongside him on stage and contribute to albums is a douche move.

Im a big Springsteen fan, and while he is a great songwriter and puts on the best live performances I have ever seen, he is a liberal windbag.

However while he broke up with the E Street Band, he realized that it wasnt them same without them, and he wasnt either and got back with them, and didnt outsource them as his employees.

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### Gabriel Macht, just cuz

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To all those MEN who created, maintained and defended what we refer to as civilisation out of the chaotic and primitive matriarchy.

**Robcos** Report Abuse  
06/20/2010 6:37 PM  
Go listen to a real rock band like Rush. they have more talent in their pinky, than Bon Jovi has in his whole body!

**mr\_nose** Report Abuse  
06/20/2010 6:24 PM  
thousand bucks a ticket? this guy is a clown. when i pay a clown that much then he would get that much. if this guy is for "the fans" why are ticket prices so high. wake up,stop dreaming,and come down off your perch. funny how when ppl great noticed they are all of a sudden better than they were yesterday. a shame,i once liked the music.

**John33** Report Abuse  
06/20/2010 5:42 PM  
Why does everyone have to write in and abuse this guy. I am a huge Bon Jovi fan and this guy is still going strong because he has a talent, If everyone here thinks they are better than him, which you all obviously do then why are you not out there making a name for yourself. Oh that's right your all talentless hacks. stop talking rubbish and keep your criticism to yourselves.

**NJ732** Report Abuse  
06/20/2010 5:07 PM  
JBJ only has three members of the band as actual members of "Bon Jovi". He has turned into an utter toolbag and stinks to high heaven.

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Mayer Johnny Depp Jonas Brothers Jude Law  
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Kate Winslet Katherine Heigl Katie  
Holmes Kiefer Sutherland Kim Kardashian  
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McConaughey Matthew Fox Megan Fox  
Michael Jackson Miley Cyrus Mischa  
Barton Nicole Richie Oprah Winfrey Paris  
Hilton Paul McCartney Paula Abdul  
Penelope Cruz Pete Wentz Rihanna  
Robert De Niro Robert Downey Jr Robert  
Pattinson Sarah Palin Sarah Jessica Parker  
Scarlett Johansson Tom Cruise  
Victoria Beckham Katherine Heigl  
Will Smith Zac Efron



- Bernie Mac's Wife Sues Doctor
- New 'I Love NY' Campaign
- HollywoodLife On Idol Judge Changes
- So You Think You Can Dance Final Four
- Mary-Kate Olsen on Growing Up Famous



- Manic Street Bunglers
- Cheryl Cole is back on sparkling form
- Mendes backs Anchorman bid
- Life's a beach for the JLS boys
- It's Slay Stallone



- Michaele Salahi -- 'Nothing But Love' for Whoopi
- Mel Gibson's Alleged Mistress -- It's Bombshell Time!
- Oksana's Bodyguards Come to Her Defense
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## **EXHIBIT B**

U.S. Department of Justice  
United States Marshals Service

**PROCESS RECEIPT AND RETURN**

See Instructions for "Service of Process by the U.S. Marshal" on the reverse of this form.

PLAINTIFF	Samuel Bartley Steele	COURT CASE NUMBER	08-CA-11727-NMG
DEFENDANT	Vector Management	TYPE OF PROCESS	Summons / Complaint
<b>SERVE</b> ➔ <b>AT</b>	NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC., TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN		
	Vector Management c/o Jack Rowner		
ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code)			
1607 17th Ave. S. Nashville, TN 37212			

SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW:		Number of process to be served with this Form - 285	108-cv-11727-NMG
<input type="checkbox"/> Samuel Bartley Steele c/o Bart Steele Publishing 80 Park St. Chelsea, ma. 02150		Number of parties to be served in this case	21
		Check for service on U.S.A.	

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Business Hours, Alternate Addresses, All Telephone Numbers, Estimated Times Available For Service):

2008 DEC 17 P 12:27  
 U.S. DISTRICT COURT  
 DISTRICT OF  
 2008 DEC - 1 P 12:27  
 RECEIVED

Signature of Attorney or other Originator requesting service on behalf of:	<input checked="" type="checkbox"/> PLAINTIFF <input type="checkbox"/> DEFENDANT	TELEPHONE NUMBER	DATE
<i>[Signature]</i>		508-737-5235	11/30/08

**SPACE BELOW FOR USE OF U.S. MARSHAL ONLY — DO NOT WRITE BELOW THIS LINE**

I acknowledge receipt for the total number of process indicated. <i>(Sign only first USM 285 if more than one USM 285 is submitted)</i>	Total Process	District of Origin	District to Serve	Signature of Authorized USMS Deputy or Clerk	Date
	1	No. 390	No. 75	<i>[Signature]</i>	12/3/08 12/1/08

I hereby certify and return that  I have personally served,  I have legal evidence of service,  I have executed as shown in "Remarks", the process described on the individual, company, corporation, etc., at the address shown above or on the individual, company, corporation, etc., shown at the address inserted below.

I hereby certify and return that I am unable to locate the individual, company, corporation, etc., named above *(See remarks below)*

Name and title of individual served (if not shown above)	<input type="checkbox"/> A person of suitable age and discretion then residing in the defendant's usual place of abode	
<i>Joel Hoffner (General Manager)</i>	Date of Service	Time
Address (complete only if different than shown above)	12-8-08	2:40 pm
	Signature of U.S. Marshal or Deputy	
	<i>[Signature]</i>	

Service Fee	Total Mileage Charges (including endeavors)	Forwarding Fee	Total Charges	Advance Deposits	Amount owed to U.S. Marshal or	Amount of Refund
45.00		8.00	45.00		\$93.00	

REMARKS: Fed USMS MD/TN NT  
 12-8-08 C.O.P. *[Signature]*

## EXHIBIT C

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

SAMUEL BARTLEY STEELE,	)	Civil Action No.
BART STEELE PUBLISHING,	)	08-11727-NMG
STEELE RECORDZ,	)	
	)	
Plaintiffs	)	
	)	
v.	)	
	)	
TURNER BROADCASTING	)	
SYSTEM, INC,	)	
Et al,	)	
	)	
Defendants.	)	
	)	

**AFFIDAVIT OF SAMUEL BARTLEY STEELE**

- I, Samuel Bartley Steele, state the following under the pains and penalties of perjury:
1. On October 8, 2008 I filed my complaint in this case, alleging copyright infringement by a number of parties, including Bon Jovi band members John Bongiovi (“Bongiovi”) and Richard Sambora (“Sambora”). A copy of my complaint is attached as Exhibit 1.
  2. My complaint also named Vector Management, Bon Jovi's manager at the time, as a defendant. See Exhibit 1.
  3. I am a member of the American Society of Composers, Authors, and Publishers (“ASCAP”), a so-called performing rights organization, which purports to protect and advocate for songwriters and publishers, among others.
  4. Defendants Bongiovi and Sambora are also ASCAP members.
  5. In mid-January 2008, I contacted ASCAP by telephone, informing them that Bon Jovi's

song "I Love This Town," from their album "Lost Highway," was a derivative of a Bon Jovi-performed soundtrack to a baseball commercial advertisement, both of which infringed my song, "Man I Love This Team." See also Id. at ¶ 19.

6. ASCAP instructed me to request, in writing, that ASCAP freeze royalties on the disputed Bon Jovi soundtrack and derivative song. See also Id.
7. On Wednesday, January 23, 2008, following ASCAP's instructions, I wrote ASCAP requesting that it "stop paying royalties" for Bon Jovi's derivative "I Love This Town" from their album "Lost Highway." See January 23, 2008 letter to ASCAP, attached as Exhibit 2. See also Exhibit 1 at ¶ 19.
8. The following Monday, January 28, 2008, Vector Management registered an LLC in Delaware, "Vector Management LLC." See Vector Management LLC Delaware Secretary of State Filing, attached as Exhibit 3.<sup>1</sup>
9. In its October 29, 2009 filing, Vector Management LLC listed its "Principal Address" as 1607 17<sup>th</sup> Avenue S., Nashville, TN 37212, the same address as "Vector Management," where Vector Management's General Manager, Joel Hoffman, had already been served on December 8, 2008. See Id.
10. A couple of weeks after my January 23, 2008 letter to ASCAP, in early February 2008, I

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<sup>1</sup> The Tennessee Secretary of State's Office reports, in its October 29, 2009 registration of "Vector Management LLC" to do business in Tennessee, that "Vector Management LLC" was not formed in Delaware until February 26, 2008. See Vector Management LLC's Tennessee Registration, also attached at Exhibit 3.

called Vector Management - Bon Jovi's management company - in an effort to discuss and hopefully resolve the infringement issue with Bon Jovi through their manager, Jack Rovner (of Vector Management).

11. When I called Vector Management I spoke with Mr. Rovner's assistant, a woman named "Libby," who was helpful and cooperative, and assured me that she would personally inform Mr. Rovner about the possible infringement by his client Bon Jovi.
12. Libby also explained it would be helpful to have my allegations in writing, which she promised to personally present to Mr. Rovner.
13. On February 10, 2008, as instructed, I e-mailed a letter to "Libby" at the e-mail address she provided, [libby@vectormgmt.com](mailto:libby@vectormgmt.com), and also sent it by first class mail to Vector Management. See February 10, 2008 e-mail to "libby@vectormgmt.com," attached as Exhibit 4.
14. In my February 10, 2008 letter I informed Vector Management that, among other things, I had written to ASCAP requesting the royalty freeze. I attached a copy of my January 23, 2008 letter to ASCAP to my February 10, 2008 letter to Vector Management. See Id.
15. My letter further requested a "meeting with Bon Jovi or Jack Rovner to show them how similar [the] two works are." See Id.
16. A couple of weeks later on February 25, 2008, at ASCAP's request, I sent ASCAP representative Robert Cheatham evidence showing Bon Jovi's infringement of my work.



See February 25, 2008 letter to ASCAP, attached as Exhibit 5.

17. On March 21, 2008, after several weeks without hearing from ASCAP, I finally received a call from ASCAP representatives Robert Cheatham and Andrew Rodriguez. I placed the call on speakerphone and the conversation was heard by my friend, Carly Sokolove. See Exhibit 1 ¶ 20.<sup>2</sup>
18. Ms. Sokolove described the March 21, 2008 conversation with Mssrs. Cheatham and Rodriguez in a sworn affidavit which was filed with this Court as an Exhibit to my Opposition to Defendants' Motion for Summary Judgment. See June 22, 2009 Sokolove Affidavit, attached as Exhibit 6 (originally filed as Docket entry 101-8 at 5-6).
19. During that March 21, 2008 teleconference, Mssrs. Cheatham and Rodriguez stated that they found it "very hard to believe that this (the Bon Jovi song) was independent creation on their (defendants') part with the whole baseball thing and video." See also Exhibit 1 at ¶ 20; Exhibit 6.
20. I explained to Mssrs. Cheatham and Rodriguez how depressing the whole situation was, to which they replied that I would be even "more depressed" if I knew how much "this type of thing happens" in the music and advertising businesses, "because that's what [Mssrs. Cheatham and Rodriguez] deal with here in the repertory department." See also Exhibit 1 at ¶ 20.

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<sup>2</sup> My complaint mistakenly dates the conversation as occurring on April 21, 2008.

21. Msrs. Cheatham and Rodriguez promised to send a "discrepancy letter that same day" to all concerned parties. See also Exhibit 1 at ¶ 20.
22. Msrs. Cheatham and Rodriguez further instructed me to not send any cease and desist letters, which, they claimed, would "scare away" the other side and that ASCAP wanted to "get the parties together" to resolve the matter informally. See also Id.
23. Four days later, on March 25, 2008, Mr. Cheatham sent the promised discrepancy letter to defendants Bongiovi, Sambora, Sony/ATV Tunes LLC, and Universal Music. See ASCAP discrepancy letter attached as Exhibit 7.
24. On April 4, 2008 I sent a letter to the parties addressed in Mr. Cheatham's March 25, 2008 letter, and to "Vector Management" to the attention of Jack Rovner, and cc'd to Robert Cheatham of ASCAP. See April 4, 2008 letter to Rovner, et al., attached as Exhibit 8.
25. My April 4, 2008 letter to Rovner, et al., explained that I was reaching out to them at ASCAP's request to "discuss the matter informally with [Rovner, et al.] before I pursue my legal remedies." See Id.
26. My April 4, 2008 letter stated that I would be at the upcoming ASCAP conference in Los Angeles - a long planned trip - on April 10, 2008, at which defendants Bongiovi and Sambora were to be guest speakers. See Id.
27. I further offered in my April 4, 2008 letter that I "would be more than happy to make myself available at whatever time is convenient" to meet in Los Angeles at some point



during the ASCAP conference. I invited the parties to contact me if they were interested in pursuing ASCAP's suggested informal meeting, and gave them my cell phone number.

See Id.

28. Several days later, on April 7, 2008 I received an e-mail from a woman named “Penny Castle,” a Copyright Manager for defendant Universal Publishing Group, responding to my April 4, 2008 letter (which I had e-mailed to Garrett Nakasuji of Universal Music Publishing Group on April 6, 2008, who then forwarded it to Ms. Castle) stating that Universal would be “working on [defendant Bongiovi’s] behalf to resolve this matter with [me],” See April 7, 2008 e-mail to Steele, attached as Exhibit 9.
29. Two days later, however, one of defendant Bongiovi’s attorneys, Peter Laird, wrote me, informing me that he rejected my claim of infringement and warning me that “any further pursuit of [my] claim regarding the Composition shall be deemed harmful to our client’s interests, and we shall vigorously enforce our client’s rights therein.” See April 9, 2008 Letter to Steele, attached as Exhibit 10.<sup>3</sup>
30. On April 9, 2008 I was in transit to Los Angeles and I did not see Mr. Laird’s e-mailed version of letter until the morning of April 10, 2008, after I had arrived in Los Angeles for the ASCAP conference.
31. At the ASCAP conference on April 10, 2008 ASCAP employee John Baird informed me that neither defendants Bongiovi and Sambora, nor any of their representatives would

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<sup>3</sup> I have been unable to locate the signature page to Exhibit 10.

meet with me and, further, that ASCAP had been warned to "keep [me] away." See also Exhibit 1 at ¶ 23.

32. Given defendants' sudden attitude change, I declined to attend that day's ASCAP session featuring defendants Bongiovi and Sambora so as to, in ASCAP's words, not "scare away" any of the parties.

33. That afternoon I again ran into ASCAP representative Mr. Baird and asked him why ASCAP had not yet frozen Bon Jovi's royalties. Mr. Baird replied "Bon Jovi is our biggest fish" and that I should be "going after" Turner. See also Exhibit 1 ¶ 23.

34. Not satisfied with this answer, given that ASCAP's explicitly stated mission is to protect all of its members equally and that ASCAP had instructed me not to "go after" anyone because ASCAP was going to help me work out the issue "informally," I spoke with an ASCAP legal representative, Ellen Meltzer-Zahn, later that day. See also Id. at ¶ 24.

35. Ms. Meltzer-Zahn informed me that it was "very strange" that ASCAP had not yet frozen royalties because it was their standard procedure to do so upon receipt of conflicting claims to an ASCAP-registered work. See also Id.

36. Five days later, back in Boston, I received another threatening letter from another attorney for defendants Bongiovi and Sambora, Michael Guido, regarding my copyright infringement claims. See April 15, 2008 letter to Steele, attached as Exhibit 11.

37. Mr. Guido's April 15, 2008 letter was cc'd to several defendants (or their attorneys) - including Jack Rovner of Vector Management. See Id.

38. I replied to the letters and e-mails from attorneys Laird and Guido, as well as from Ms. Castle, on April 20, 2008. See April 20, 2008 letter to Laird and Guido and Castle, attached as Exhibit 12.

39. My April 20, 2008 letter specifically demanded that the recipients – each of whom represented Vector Management’s client, Bon Jovi, in some capacity:

take all necessary and appropriate steps to preserve and protect any and all evidence that may be in any way relevant to this dispute. This includes, without limitation, all documents and/or electronic data in your possession, custody or control. In order to assure that your obligation to preserve documents and things will be met, please forward a copy of this letter to all persons and entities with custodial responsibilities for any materials relevant to this dispute. Your failure to preserve such evidence may subject you to additional claims for spoliation of evidence under state and federal law.

See Exhibit 12.

40. On October 8, 2008 - eight months after my first direct contact with Vector Management and nine months after my first contact with ASCAP - I filed this lawsuit, suing Vector Management, among others.

41. At 2:40 p.m. on December 8, 2008, Vector Management was properly served by a United States Marshal at their Nashville address, 1607 17<sup>th</sup> Avenue S., Nashville, TN 37212. See Process Return and Receipt for “Vector Management c/o Jack Rovner,” attached as Exhibit 13.

42. Vector Management’s General Manager, Joel Hoffner, personally accepted service on behalf of Vector Management. See Id.

43. Also on December 8, 2008, a company called “Vector 2 LLC” appeared in this lawsuit,

claiming I had "misidentified" it as "Vector Management," represented by yet another law firm, Skadden Arps. I do not know if my April 20, 2008 letter regarding spoliation was ever forwarded to Skadden Arps.

Signed under the pains and penalties of perjury this 10<sup>th</sup> day of August 2010, in  
Boston, Massachusetts.

  
\_\_\_\_\_  
Samuel Bartley Steele

# EXHIBIT 1



# 08 CA 11727 NMG

1. NAME AND ADDRESS OF PLAINTIFFS: Samuel Bartley Steele, known as Bart Steele, and Bart Steele Publishing's address is 80 Park Street, Chelsea Massachusetts 02150. Mr. Steele is a singer, songwriter, music publisher and music producer who performs with his bands, The Chelsea City Council and The Bart Steele Band, throughout New England. Steele's music, including the song at issue in this case, can be heard at: [www.myspace.com/chelseacitycouncil](http://www.myspace.com/chelseacitycouncil). Mr. Steele also works as a bartender to assist with paying his expenses and supporting his daughter.
2. NAME AND ADDRESS OF DEFENDANTS: The primary defendants in this case are Turner Broadcasting System, Inc. ("TBS") and Time Warner Corporation. Both TBS and Time Warner do business in all 50 states and all over the world. Time Warner's address is One Time Warner Center, New York, New York 10019. TBS's address is One CNN Center, Atlanta, Georgia 30303.
3. Other defendants include Jon Bongiovi, Richard Sambora, William Falcone, The American Society of Composers, Authors and Publishers ("ASCAP") Fox Television Networks, Major League Baseball / MLB Productions, A&E /AETV, Bon Jovi, AEG Live, Mark Shimmel Music, Vector Management, Island Records / Island Def Jam Records, Aggressive Music / Sony ATV Tunes, Bon Jovi Publishing, Universal Music Publishing Group, Universal Polygram, Pretty Blue Songs, and The Bigger Picture Cinema Co, as well as the owners of every ballpark that the ad at issue was played in, and all of Time Warner's Networks that played the ad in more than 74 countries around the world promoting defendants MLB and Bon Jovi. This list of defendants may grow, since it does not yet include parties responsible for playing the ad on the internet.
4. For addresses of the defendants listed in paragraphs 2 and 3, please see Exhibit A.
5. JURISDICTION: This case involves copyright and trademark infringement, and is therefore subject to the federal question jurisdiction of this federal court under 28 U.S.C. Section 1331 and the Copyright Act, 17 U.S.C Section 101 et seq. and the Lanham Act.
6. ALLEGATIONS: In September of 2004, Plaintiff Bart Steele wrote a love song for his beloved Red Sox and a baseball playoff anthem fans could sing along with. He titled his song "(Man I Really) Love this Team", also known as "Man I Love this Team." The song was originally released in early October 2004, by the Bart Steele Band and Steele's other band, The Gyromatics. Steele, his bandmates, and friends performed the song outside Fenway Park for the next month handing out thousands of cd's and lyrics sheets. Red Sox fans got to know the song very well. There were sing alongs at the two most popular Red Sox bars outside Fenway Park (The Cask n' Flagon and Boston Beer Works both played the song regularly). Bart's roommate, who still works inside Fenway Park to this day, handed out copies to Red Sox executives inside the park. Bart stood outside the executive's entrance to Fenway Park on Brookline Ave. handing copies to anyone wearing a suit. A friend of Bart's had conversations with a member of the Red Sox organization. who asked her to send the song to him. She emailed it to him at [jrouke@redsox.com](mailto:jrouke@redsox.com) in late October 2004. Bart and bandmate, Peter Bellomo, were

invited to play the song live on Channel 7 and Channel 5 and did so on October 26, 2004. An acoustic version of the song was also played on New England's number one Sports radio station, WEEI / 850 AM-Boston, a Fox Sports Radio Network affiliate. The song was also available for free download on many websites, including [www.gyromatics.com](http://www.gyromatics.com), [www.kohit.com](http://www.kohit.com), and, most importantly, [www.fenwaynation.com](http://www.fenwaynation.com). The fenwaynation site averaged 180,000 "hits" per day in October 2004. The song was also posted at [www.mvn.com](http://www.mvn.com), (the largest independent sports website in the country), [www.phoenix.com](http://www.phoenix.com), and [www.mikehallal.com](http://www.mikehallal.com).

7. Bart sent cds with lyric sheets to Johnny Damon, Bronson Arroyo, team captain Jason Varitek, Kevin "Cowboy Up" Millar, Jerry Remy (Red Sox NESN announcer), Team owner John Henry, & GM Theo Epstein. Bart also emailed the MP3 and links to where the song was available for free download to the general mailboxes of both the Red Sox and MLB.
8. Defendant Jon Bongiovi was in Boston to campaign for John Kerry in late October /early November 2004. He stayed at a hotel a few blocks away from Fenway Park, where Bart and bandmates were performing Bart's song. Thus it is entirely possible that Mr. Bongiovi heard Bart's song, or received a cd copy of it, in 2004.
9. When he sent the song to MLB, he sent them lyric sheets entitled 'I Really Love This Team'. In early November 2004 and throughout the following months, Bart began revising the song and working a marketing concept that would adapt the song for use in any town. Lyrics for this derivative version, entitled "Man I Really Love This Town," are included in on the CD-R attached as Exhibit I (no.5). For example, the words "Yawkey Way" could be replaced by the name of the street outside the ballpark in any town. Bart also shared with MLB his idea that a "country" song would be more marketable for MLB both nationally and internationally. It is important to note that as Bart was working on his derivative version for any team/town he sent defendants derivative lyrics rhyming 'round' with 'town' (and eventually copyrighted these derivative lyrics, as well as the original lyrics, at the Library of Congress in June 2006). He told MLB that he was working on this new version for any team or any town and was replacing the Boston specific lyrics with lyrics for each team and each town.
10. The song was played on the Bobby Bucket radio show in 2005, and in October 2005, Bart played the song on live TV (Chelsea Cable Channel 3) for a hurricane Katrina relief fundraiser. Ironically, this is the performance Bart referenced in his application to become a member of ASCAP. [ASCAP requires prospective members to reference one public performance of a particular original song as part of its application process.] Bart even registered both versions of his song--"Man I Really Love This Team" and "Man I Really Love This Town"-- at ASCAP with himself as both writer and publisher. A copy of the ASCAP title code registration, number 433133272, is attached as Exhibit B. As will be explained below, this registration did nothing to protect Bart's rights.

11. In December 2005, Bart posted the song at his website [www.myspace.com/thebartsteeleband](http://www.myspace.com/thebartsteeleband)
12. Many people began telling Bart that they had his song on their ipods and computers at work and knew of others who had Bart's song as well, but did not know who Bart was. As the number of (uncompensated) downloads grew, Bart realized his song had "made it" and decided to copyright his baseball playoff anthem. He submitted his song to the Library of Congress and received copyright certificate PAu3-052-330, dated June 30 2006. This copyright includes the derivative lyrics Bart told MLB he was working on, which rhyme "round" with "town." To transform Bart's song into an ad, defendants took this rhyme and made it the central focus of the Bon Jovi advertisement's choral refrain, and added in their commercial message: "Let the world keep spinning *round* / This is where it all goes down (one of TBS's silly ad messages)/ That's why I love this *town*." For an analysis of some of the other similarities between Bart's song and the Bon Jovi ad, please see [Exhibit C](#), which was prepared by a friend of Bart's who is currently studying for a PhD in Musicology. Moreover, careful review of the visual images in the original ad reveals that they are mostly Red Sox and Boston images—just as in Bart's song. For example, the moment Bart sings "Word is out on *Yawkey Way*, the ad shows a shot of a *Yawkey Way street* sign as Bon Jovi sings "When I'm walkin' down the *street*."
13. At the same time Bart was finishing his derivative version of his baseball playoff anthem, Bart applied for membership to ASCAP, the American Society of Composers Authors and Publishers. Bart was attempting to protect himself against further uncompensated uses of his work, relying upon ASCAP's reputation as protectors of musician's rights and their many statements regarding their systems for collecting royalties and distributing royalties to their rightful owners. Bart became a member of ASCAP, with the same rights as any other member such as defendant Bon Jovi, in June 2006. As noted above, Bart's application for ASCAP membership included reference to the song at issue, noting that he was both writer and publisher of the song. ASCAP therefore had notice of Bart's song as far back as June 2006, well before Bon Jovi registered his advertisement/song with ASCAP in June 2007.
14. In July 2006, defendants TBS, FOX and MLB announced a seven-year deal in which, for the first time ever, the MLB playoffs would air on cable television rather than free broadcast television networks. Following the 2006 World Series, TBS contacted Bon Jovi through one of its musical consultants, Mark Shimmel. Mr. Shimmel specializes in connecting his corporate clients with the highest level musical talent when they need a jingle or music to use in advertising. (For his profile see the following webpage) <http://www.impnow.com/profiles/markshimmel/> Mr. Shimmel's very involvement in this case shows that "I Love This Town" was done as an advertisement for TBS being the new home of the MLB playoffs. When Bart contacted Mr. Shimmel by telephone asking about the matter and how Bon Jovi got his song, Mr. Shimmel told him, "talk to Turner."



15. TBS and MLB got their video footage in Edmonton, Alberta (Canada) for the ad that would be released on August 31, 2007 and run through the duration of the 2007 baseball playoffs. On July 31, 2007, baseball's DVD distribution partner, A&E, helped with the recording and production of Bon Jovi's DVD "Lost Highway-the Live Concert." Thus, all defendants were engaged in a mutually-beneficial cross-promotion based entirely upon Bart's song and marketing concept. In fact, Bon Jovi's world tour started the day after the 2007 World Series started—promoted one of the most expensive ad campaigns in history [Time Warner provided \$386 million to help promote its networks being the new home of MLB. Furthermore, both MLB and TBS acknowledge that this was the first time MLB worked on an ad campaign with one of its networks. TBS has also acknowledged that it was the first time it aired market-specific content. That is, they produced ads with lyrics specific to each team, just as Bart had proposed. TBS "Creative Director" Craig Barry has also acknowledged in the press that Bon Jovi's role in the ad campaign was to "deliver our [TBS's] message" about TBS being the new home of the playoffs. Bon Jovi's ad soundtrack delivers this message: "No matter where you're from, tonight you're from right here", "You make feel at home somehow", "that's why I love this town". "that's why I keep comin' 'round, etc. This clearly shows that TBS wrote part or all of the unauthorized derivative version of Bart's song, most likely through a method called "temp tracking."
16. Temp tracking involves using one song as a kind of working draft (sometimes called the "reference track") for the creation of (in this case) an audio visual work such as a television advertisement. Simply put, the director takes a song he likes (Bart's song), puts some video images that fit with it, and proposes the rough cut to the client. Sometimes they use that rough cut, and sometimes they decide to hire an established star to perform and / or change the music. It is important to note that the video images in the final MLB/TBS promo track some of Bart's song lyrics too well for coincidence. When Bart first saw the ad, then watched it with his song playing simultaneously, he realized that the striking similarities between the lyrics, music and video images indicated that the Bon Jovi soundtrack was written and recorded to fit with the visual images originally suggested and selected by "cues" from Bart's song. This was a classic case of "temp tracking", as described in the following article:  
<http://www.amppnow.com/news-infringement.html>
17. Baseball's DVD distribution partner, A&E did the artwork for Bon Jovi's "Lost Highway" cd itself. The cd was released in the United States June 19, 2007. Later that year, in November, the DVD was released. This clearly shows how the corporate entities aided Bon Jovi in getting the song/ad and cd itself out, using Bart's work for a huge cross-promotion of their interests, without paying Bart or giving him any credit. In other words, A&E (MLB's distribution partner) was clearly involved before the June 19, 2007 release date of the cd.

18. On October 4, 2007, Bart received the first of many phone calls and email messages from friends “congratulating” him on selling his baseball anthem, and asking him how much he got paid for the TBS/MLB advertisement they were seeing on television. After seeing the ad and hearing its unauthorized derivative version of his song being sung by Bon Jovi, Bart was shocked and devastated, because he had never gotten a response to any of his communication with defendants, nor received any payment for use of his song. Nor had Bart granted synchronization rights or permission to create derivative versions of his song. It is especially offensive to Bart that his song was exploited for commercial purposes, more so than any song in the history of this country.
19. After conferring about this matter with the Volunteer Lawyers for the Arts and the FBI, Bart contacted ASCAP. After hearing his story, ASCAP employees Greg Potter and Robert Cheatham encouraged Bart to send them all of his musicology and “temp track” evidence and suggested he formally request that ASCAP freeze payment of royalties on the Bon Jovi ad soundtrack. Bart sent a letter dated January 23, 2008 requesting ASCAP look into conflicts and freeze royalties. In February, Bart sent ASCAP a video of the ad with his own song substituted for the Bon Jovi soundtrack, to show how well the visual images track Bart’s song lyrics. ASCAP repeatedly assured Bart that they would make a decision on his claim within 4 weeks.
20. After several inquiries into the status of his claim, Bart received a conference phone call from ASCAP on April 21, 2008. In that phone conversation, ASCAP employees Robert Cheatham and Andrew Rodriguez told Bart and his girlfriend Carly, who was listening on speakerphone, that they found it “very hard to believe that this (the Bon Jovi song) was independent creation on their (defendants’) part with the whole baseball thing and video.” When Bart thanked them, and told them he was so depressed over this that he was at the point of jumping off a bridge, they told him would be “more depressed to know how much this type of thing happens [in the music/ advertising business], because that’s what we deal with here in the repertory department.” When Bart asked if ASCAP was going to freeze the royalties, Cheatham and Rodriguez replied that they were going to send out a “discrepancy letter that same day”. Bart then asked if that meant he should proceed with sending defendants the cease and desist letter he had drafted. Cheatham and Rodriguez specifically told Bart not to send a cease and desist letter because that would “scare away” the defendants. They told Bart that ASCAP wanted to “get the parties together” to resolve the matter, and that sending a cease and desist letter to protect his rights would interfere with any attempts to resolve the matter informally. ASCAP employees Cheatham and Rodriguez told Bart that he had “handled this matter perfectly up to this date”. Bart thanked them and told him that he looked forward to receiving the letter confirming the conversation, which ASCAP told him to expect via email later the same day.
21. Four days later, Bart received another phone call from ASCAP. In that conversation, ASCAP employee, Robert Cheatham asked Bart to put in writing the publishing/writing

percentages he was claiming for his song and to email it to them immediately. The next day Bart received the discrepancy email/letter that was sent to all parties. The discrepancy email/letter is attached as Exhibit D. The letter/email was also sent to the three artists that claimed to write the song (Jon Bongiovi, Richard Sambora, and William Falcone). It was also sent to their respective publishing companies.

22. A few days later, Bart received a promising email from Universal Publishing indicating that they had received the discrepancy letter/email and would be “working to resolve this matter with you” and would be “working on Mr. Bongiovi’s behalf”. ASCAP also subsequently announced that the guest speakers at the ASCAP Expo in Los Angeles would be John Bongiovi and Richie Sambora. ASCAP knew that Bart had been planning to attend this event since October 2007. On April 9, 2008, everything was looking positive when Bart flew out to L.A. for the expo, hoping he and Bon Jovi could shake hands and laugh about how they were both used by corporate America. Bart even learned all their new songs from ‘Lost Highway’ on mandolin and guitar in case he could join them on tour when this all worked out. The day after the discrepancy letter was sent out, Bon Jovi cancelled their 2 August concerts at Fenway Park, and Richie Sambora was arrested for drunk driving and facing jail time. Given the enormity of the problem facing all parties and the human toll it was already taking upon Bart, Sambora and others, Bart was willing to attempt to resolve the matter informally. Shaking hands and agreeing to work out a deal where Bon Jovi gave Bart some kind of credit or career help seemed the only reasonable way to proceed—no one, even the large corporate defendants and a band as big as Bon Jovi could calculate the infringement damages involved. Bart had realized that TBS’ conduct was willful infringement: they said or did something to give Bon Jovi the idea that they had the rights to use Bart’s song. Why would Bon Jovi, arguably the biggest rock band in the world, steal a song from an unknown artist like Bart? Answer: They wouldn’t. They would, instead, insist upon assurances that any song presented to them had been “cleared” and was ok to use. But no one at TBS ever cleared the rights to Bart’s song. And thus began the snowballing screwup that brings us to court today.
23. Things changed when Bart arrived in Los Angeles for the ASCAP “I Create Music” Expo on April 10, 2008. After registering at the Expo, Bart spoke with ASCAP employee John Baird. Baird told Bart that Bon Jovi’s publicist had warned ASCAP to “keep Bart away” from Bon Jovi. Over the lunch break, Bart received an email messages from attorneys for John Bongiovi and Richard Sambora (obviously sent to arrive while Bart was travelling). The messages threatened Bart not to pursue this any further, in stark contrast to ASCAP’s stated desire to bring the parties together and help resolve the matter. Frustrated and upset that the lawyers were obstructing resolution, Bart decided not to attend even the staged interview with Bongiovi and Sambora scheduled for that afternoon. Instead, Bart toured the Expo’s exhibits, where he again ran into ASCAP employee John Baird. Baird told Bart that he had received an email message ASCAP circulated among its employees involved with the Expo, which stated that ASCAP



expected Bart to attend the Expo and that he might cause trouble for the Bon Jovi interview. Mr. Baird then asked Bart to wait a moment while he went and spoke to someone. When he returned, Baird told Bart that he had just spoken to “Bon Jovi’s people” and that he told them Bart “was cool and was not going to cause trouble, he’s not even going to the interview.” In response to Bart’s question as to why ASCAP did not freeze the royalties, Baird stated, “Bon Jovi is our biggest fish.” Baird also told Bart that he had heard about his case and it was clear to him that the party Bart “should be going after was Turner.” Baird then suggested that Bart take a few minutes to write a note to Bon Jovi, which he would pass to “Bon Jovi’s people” for Bart while they were all at the Expo. Bart then wrote the note attached as Exhibit E.

24. At the Expo later that day, Bart spoke to a representative of ASCAP’s legal department, Ellen Meltzer-Zahn. Ms. Zahn told Bart that it was very strange that ASCAP had not frozen royalties in his case, as it was their standard procedure to freeze royalties when they sent out a letter like the one Bart had received. She refused to assist in connecting Bart with Mr. Bongiovi. However, she did pass on the handwritten note (Exhibit E) Bart had written seeking to end the matter with a handshake immediately.
25. Having made no progress on resolving the matter at the ASCAP Expo, Bart returned to Boston. He then complied with ASCAP’s (rather strange) request in the March 25, 2008 ASCAP discrepancy letter that he submit documentation substantiating his claim. This request was strange in light of the fact that Bart had been submitting documentation to ASCAP for several months, and ASCAP had acknowledged receipt of that documentation and told Bart several times that they had everything they needed regarding his claim. Nevertheless, on April 20, 2008, Bart sent ASCAP a letter resubmitting all the documentation he had sent ASCAP over the previous months. A copy of that letter is attached as Exhibit F. ASCAP also told Bart that any correspondence he sent regarding this matter should be cc’d to ASCAP. To date, Bart has received no reply to the final April 20 submission, nor any other communication from ASCAP. It is also interesting to note that the March 25 discrepancy letter sent by ASCAP asked *all* parties—including Jon Bongiovi and Richard Sambora—to submit documentation of their claims to have written the song. No one has ever sent Bart copies of any information submitted by anyone else claiming rights in the song, or even let him know whether ASCAP received such information. Bart has also called ASCAP several times since submitting the April 20 letter, with no response.
26. Tired of being given the run around by everyone (including the agency claiming to support his interests, ASCAP), Bart went public with his story in both print and television media. Boston Magazine published the article, “*Ballad of a Mad Fan*,” in its June 2008 edition. Channel 5 aired a companion piece in late June. Both these entities could clearly hear that the Bon Jovi ad was a generic version of Bart’s baseball anthem. A copy of the magazine is attached as Exhibit G. (See page 80.)

27. On September 29, 2008, Bart sent a cease and desist letter to defendant TBS, demanding a response within 48 hours. A copy of that letter is attached as Exhibit H. No response has been received as of the date of this complaint.
28. Copyright Infringement: Bart contends that defendants have violated the rights protected by the copyright laws, particularly the right to make derivative works and control commercial exploitation of his work. Without court intervention and action, a dangerous precedent will have been set here: Bart's baseball playoff anthem was changed into an ad for MLB/TBS, and the record-buying public is unknowingly purchasing an ad for MLB/TBS with every "Lost Highway" album. The corporate entities helped get this ad out on Bon Jovi's album. The more popular the song becomes, the more effective the ad. The best advertisement is the one that no one knows is an advertisement at all.
29. "Temp Tracking:" In making the ad which so closely tracks Bart's lyrics, defendants synchronized video images to Bart's song without his permission. Bart can show that with music production computer tools available, defendants could easily change Bart's song into the Bon Jovi ad by simply copying and dragging or cutting and pasting parts of the music just as we do with word processing programs. This violation of Bart's "synch rights" is technically copyright infringement but of course almost impossible to prove, since once the temp track has been used and changed enough, the original temp track is discarded. This practice is rampant in both music production and the advertising business. The court should acknowledge and stop this practice. To easily hear the temp track evidence, please review Exhibit I, a CD-R containing both Bart's original song in MP3 format and the MLB/TBS Bon Jovi video with Bart's song substituted in as soundtrack. The ad with its Bon Jovi soundtrack can currently be seen and heard on the internet as well as on television. since TBS is using it again to promote its broadcast of the 2008 baseball playoff games. Google: 'Bon Jovi MLB promo ad' to see the youtube of the original advertisement. ( Or, for your convenience, Bart has included the youtube link to the original MLB/TBS promo advertisement on the CD-R Ex. I- #5) Be careful not to confuse it with the brand new MLB/TBS/Bon Jovi commercial in which they got the new video footage from the MLB sponsored Bon Jovi free concert in Central Park. Bon Jovi was promoting the kick off of the all-star game weekend in New York for MLB. MLB, which put up the money for the show, and TBS got their new video footage.
30. Palming Off / Lanham Act violation: Defendants changed Bart's song into an ad without permission, and gave the song to a bigger, more marketable star to further their own ends, giving Bon Jovi (tacit or explicit) permission to claim they wrote it without giving credit to the true "ghostwriters"—Bart Steele and TBS. These actions constitute palming off Bart's work as the work of another—Bon Jovi—in violation of the Lanham Act. Many people (including, notably, a friend of one of the owners of the Boston Red Sox) have told Bart that they heard the Bon Jovi ad and thought it was Bart's song, which they remembered hearing as far back as 2004.

31. RELIEF REQUESTED: Bart is requesting damages as authorized by the copyright law. As intent will be easy to prove, we are seeking the statutorily authorized amount of \$100,000 per cd sold. Just under 4 million cds have been sold to date. This totals almost \$400 billion. This total does not include even digital sales royalties, or a portion of concert profits. Bon Jovi's "Lost Highway" tour was the highest-grossing tour on the planet this year. The tour was supported and promoted by AEG Live and Bon Jovi's "I Love this Town Contest." (In exchange for the chance to win concert tickets, fans sent in videos to be played while Bon Jovi performed the ad song during the concert in their town.) Nor does this total include any portion of past royalties paid on the song. Using the copyright law's measure of damages points out how the law has failed to keep up with current developments in the music business. It is almost impossible to calculate the number of performances of the unauthorized work, and any attempt to figure damages based on the identifiable performances—in ballparks, on television, and in movie theaters in this country and around the world—leads to an incomprehensibly large number. A "quantum meruit" measure of damages for the value of what defendants got from Bart is also hard to calculate given the enormity of the publication involved. The ad defendants put together from Bart's song and marketing concept became, by any measure, the most expensive and successful ad in sports history.
32. Because it has been so difficult to calculate the extent of the violations of his rights and to prove and enforce those rights, Bart intends to give 99% of this recovery to musicians' rights organizations, including ASCAP and the Copyright Office itself, to help protect the rights of songwriters and publishers, and to bring public awareness to the injustice of "temp tracking"—a method of stealing songs that current law does not adequately protect. As Bart's saga shows, the current state of the law allows ASCAP and the Copyright Office to turn a blind eye to the very wrongs they are supposed to guard against: copying, changing and using songs without the permission of the author. "Temp tracking" has become standard industry practice, but it is still copyright infringement. The reason this lawsuit is so large and that temp tracking has become such a common practice is that the Copyright laws have not caught up to the digital age. Who decides when a temp track has been changed just enough that the new song can avoid liability under the copyright law? If it came from the temp track, it is a derivative work—even if the original author was not there to hear it or authorize its use or grant synch rights. Because it is now too easy to copy and change songs with the click of a computer mouse, corporations routinely exploit the work of independent artists without compensating them, discouraging creation and advancement of the arts, and frustrating the purpose of copyright laws. Under current law, the superior resources of organizations like defendants MLB, TBS and large publishers enable them to absorb all the smaller players, achieving monopoly control over whatever art they wish to exploit. An article written in August 2004 by Ted Turner, the founder of defendant TBS, sums up the issue nicely.

Mr. Turner states, “In the media...big corporations play a vital role, but so do small, emerging ones...They are independent thinkers. They know they can’t compete by imitating the big guys—they have to innovate, so they’re less obsessed with earnings than they are with ideas. ...When the independent businesses are gone, where will the new ideas come from? ...This is a fight about freedom...the freedom of citizens to get news, information and entertainment from a wide variety of sources, at least some of which are truly independent and not run by people facing the pressure of quarterly earnings reports.” Bart clearly realizes that he is the independent thinker, who wrote a love song to his favorite baseball team and home town. He wanted to get the crowd to get up off their seats, singing along together, for the love of their team and town. What happened instead was that everyone except Bart got paid. Unless independent thinkers are protected in the courts, as Ted Turner says, nothing less than freedom is lost.

33. Bart thanks the Court and staff for their time and attention.

## EXHIBIT 2



To: ASCAP  
1 Lincoln Plaza  
New York, New York 10023

01-23-08

Re: Request to stop Royalty payments for "I Love this Town"

Title Codes: (Title Code: 392590937)/(Title Code: 392690178)/(Title Code: 392700693)

Dear ASCAP,

My name is Bart Steele (Samuel Bartley Steele.) My ASCAP number is 1712916.

I am a Boston based musician/songwriter/producer. In October, 2004, I wrote and released an original song entitled "Man I Really Love This Team" also released as "Man I Love This Team". I wrote this baseball playoff anthem with the intention of selling this song to the Boston Red Sox and Major League Baseball. I not only handed out thousands of copies of the song and lyrics at Fenway Park, and Yawkey Way, but also performed the song live for Channel 7 News, outside Fenway Park on the press podium. An acoustic version was also played on WEEI 850am, Boston's sports radio station. I also sent the song to many individuals, both on the team and people in the Red Sox and MLB organizations. There was even a video on a MLB website with fans singing my song. I also emailed links to my song to both MLB and the Red Sox, letting them know I have a recording studio and that I was rerecording the song with lyrics specific for each town/team in MLB. I also copyrighted the song at the Library of Congress in June 2006, and referenced a performance of that song to become a member of ASCAP that same month.

A year later, Bon Jovi released "I Love This Town", from their album, "Lost Highway", and the song was also released as an advertisement/baseball playoff anthem by TBS/MLB with lyrics specific for each town/team. The melody of their chorus hook is almost identical to the harmony in my chorus hook, which is the essence of the song. I write this letter to request the you stop paying royalties for "I Love this Town", until authorship for this baseball playoff anthem is resolved.

Thank you for your help and consideration regarding this matter.

Sincerely,

Bart Steele

## EXHIBIT 3

JOHN DICKINSON PLANTATION | PHOTO BY JEFFREY BOUER

Department of State: Division of Corporations

- HOME**
- About Agency
- Secretary's Letter
- Newsroom
- Frequent Questions
- Related Links
- Contact Us
- Office Location
- SERVICES**
- Pay Taxes
- File UCC's
- Delaware Laws Online
- Name Reservation
- Entity Search
- Status
- Validate Certificate
- Customer Service Survey

[Frequently Asked Questions](#) [View Search Results](#)

Entity Details

**THIS IS NOT A STATEMENT OF GOOD STANDING**

**File Number:** 4496296 **Incorporation Date:** 01/28/2008  
 / **Formation Date:** (mm/dd/yyyy)

**Entity Name:** VECTOR MANAGEMENT LLC

**Entity Kind:** LIMITED LIABILITY COMPANY (LLC) **Entity Type:** GENERAL

**Residency:** DOMESTIC **State:** DE

**REGISTERED AGENT INFORMATION**

**Name:** CORPORATION SERVICE COMPANY

**Address:** 2711 CENTERVILLE ROAD SUITE 400

**City:** WILMINGTON **County:** NEW CASTLE

**State:** DE **Postal Code:** 19808

**Phone:** (302)636-5401

Additional Information is available for a fee. You can retrieve Status for a fee of \$10.00 or more detailed information including current franchise tax assessment, current filing history and more for a fee of \$20.00.

Would you like  Status  Status, Tax & History Information

To contact a Delaware Online Agent [click here](#).



STATE OF TENNESSEE  
 Tre Hargett, Secretary of State  
 Division of Business Services  
 312 Rosa L. Parks Avenue  
 6th Floor, William R. Snodgrass Tower  
 Nashville, TN 37243

Filing Information

Name: Vector Management, LLC

General Information

Control # :	616553	Formation Locale:	Delaware
Filing Type:	Limited Liability Company - Foreign	Date Formed:	02/26/2008
Filing Date:	10/29/2009 11:29 AM	Fiscal Year Close	12
Status:	Active	Member Count:	3
Duration Term:	Perpetual		
Managed By:	Member Managed		

Registered Agent Address  
 Corporation Service Company  
 2908 Poston Avenue  
 Nashville, TN 37203 USA

Principal Address  
 1607 17TH AVE S  
 NASHVILLE, TN 37212 USA

The following document(s) was/were filed in this office on the date(s) indicated below:

Date Filed	Filing Description	Image #
04/21/2010	Registered Agent Change (by Entity) Registered Agent # Changed From: 0322137 To: 0338616 Registered Agent First Name Changed From: KEN To: No Value Registered Agent Last Name Changed From: LEVITAN To: No Value Registered Agent Organization Name Changed From: No Value To: Corporation Service Company Registered Agent Physical Address 1 Changed From: 1607 17TH AVE S To: 2908 Poston Avenue Registered Agent Physical Postal Code Changed From: 37212 To: 37203	6711-1072
03/10/2010	2009 Annual Report Member Count Changed From: 1 To: 3	6672-0159
10/29/2009	Initial Filing	6618-0712

Active Assumed Names (if any)	Date	Expires
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# EXHIBIT 4

----- Forwarded Message -----

From: bartsteele@comcast.net

To: libby@vectormgmt.com

Cc: bartsteele@comcast.net

Sent: Sunday, February 10, 2008 6:29:12 PM

Subject: Possible Copyright Infringement...VERY IMPORTANT!!!

Hi Libby,

My name is Bart Steele. I am a Boston based musician/songwriter/producer and leader of a band called "The Chelsea City Council." In 2004, I wrote and released the Red Sox baseball playoff anthem "Man I Really Love This Team", also released as "Man I Love This Team" for the playoffs in October 2004 and well known throughout Red Sox nation. In fact, my song was the June 2005 recipient of an award, given by the (real) Chelsea City Council, for writing "The Song That Broke the Curse of the Bambino".

As I mentioned to your secretary on the phone last Friday, I believe that my song was the original basis of the MLB/TBS baseball promo featuring Bon Jovi's song "I Love This Town." Because I have not granted permission for my song to be used or modified as MLB/TBS have done, nor received any written credit or royalties in connection with the promo campaign, I have requested that ASCAP (of which I am a member as well) freeze all royalties for Bon Jovi's MLB/TBS promo soundtrack, "I Love This Town" until this is all worked out. I have attached a copy of that letter to ASCAP for you.

I wrote that letter and I am writing this email in the hopes of avoiding all the legal mumbo jumbo because I am a big fan of Bon Jovi's and I believe that MLB/TBS were the primary offenders in this situation. Whether they (MLB/TBS) told Bon Jovi they owned my song or simply made a derivative work and presented it to them to record, I believe Bon Jovi is not the offender here.

I'm requesting some kind of meeting with Bon Jovi or Jack Rovner to show them how similar these two works are. On several occasions I let MLB know that I was re-recording the playoff anthem with specific lyrics for each town and team. My song even matches the 2 minute, 38 second MLB/TBS promo ad pretty closely (camera pans on Yawkey Way sign the second I mention 'Yawkey Way', etc.), and my song starts fade out at exactly 2:38!!! Their are countless other things that just cannot be by chance.

Anyways, I'm a big fan and this is not about money. This is me wanting to show Bon Jovi the countless other similarities and play them my tune lined up to the promo ad video. I'm sure they will understand why countless people have asked me recently if I sold my baseball song to MLB or Bon Jovi :(

This will go public at some point very soon, and I don't want the boys to look bad if they had no knowledge of my song previously or if they were unknowingly presented with lyrics or a similar derivative work by TBS and or MLB to record. Or this doesn't have to go public at all if we can work this out.

I'm just trying to avoid lawyers and bad pr for everybody. I guess it was the most expensive ad campaign in sports history, also the first time that MLB ever worked with TBS/FOX on an ad campaign, and ironically it was also the first time that TBS showed specific content for

each individual town/market.

My lawyer wanted to be at this possible meeting, and I have said no so far. She also wants to file a cease and desist for performing 'I Love This Town' in the upcoming tour and to stop the 'I Love This Town' contest in the next few weeks because they are all tied in to the promo campaign originally based on my song. This is the last thing I want her to do. In fact the contest is a great idea and I do love their version a lot. I am a single father and a good person...and a musician who got totally screwed out of payment for my work. I'm working hard toward my big break in the business, and like Bon Jovi, devote a lot of time and effort to raising money for non-profits through my music. If you want to find out more about me or read some recent newspaper articles my band website is:

[www.myspace.com/chelseacitycouncil](http://www.myspace.com/chelseacitycouncil)

I will be doing a small gig in NYC this weekend and would be happy to meet with Bon Jovi or any representative while I am in town. It is my hope that this can be resolved immediately so that Bon Jovi's tour will go on exactly as planned. If anyone wants to contact me, my cell is 508-737-5235.

Sincerely,  
(huge fan and seriously depressed musician)  
Bart Steele

# EXHIBIT 5



To: ASCAP

Date: 02/25/08

Atten: Robert Cheatham

1 Lincoln Plaza (Repertory Dept. 5th fl.)

NY, NY 10023

Re: My request to stop paying royalties for "I Love This Town"

ASCAP case file # 48059

Dear Robert,

I've included both my original MP3 from 2004 (for which the music and lyric sheet provided were registered at the Library of Congress in June 2006) and Bon Jovi's studio version from 2007 (in which they added a verse of about a kid/cop/ and train which don't seem to fit with the song). Below is a link to the shorter version which was the official MLB Productions promo/ad. I believe that this was the derivative 2:30 minute version that they were presented to record by MLB and TBS. To get a feel of what the promo/ad is saying, please watch it first!!! TBS, it seems, added their own lyrics advertising that TBS was the new home of the MLB playoffs as well:

i.e. "You make me feel at home right now"

"No matter where you're from, tonight you're from right here"

"This is where it all goes down"

The following you tube link was the MLB Productions/TBS ad announcing that TBS was the new 'Home' of the playoffs. PLEASE WATCH!!! (or google: Bon Jovi I Love This Town MLB)

<http://www.youtube.com/watch?v=MIXNOGK5dg8>

Also I've included the lyrics to my derivative version we've been performing since 2006 "(Man I Really) Love This Town" (written in July, 2006). Although I never reregistered my new version, I began recording the new version less than a month later in Aug. 2006. We started singing the new version about Chelsea, Ma. my awesome hometown. I'm known as the 'Chelsea Civic Cheerleader', please read the two front page newspaper articles about me at [www.myspace.com/chelseacitycouncil](http://www.myspace.com/chelseacitycouncil) , I'm quoted in the first paragraph of the Boston Globe article declaring what I always say and sing around here..."I Just Love This Town". My band is called "The Chelsea City Council" and we are always trying to promote both us and our hometown when we perform our new version. I emailed MLB the song and told them I was rerecording this derivative version with lyrics specific to each town/team and to call me if they were interested. Instead it seems they made their own derivative version and had Bon Jovi perform it (ironically they had them record specific lyrics for specific town/teams as well).

Thank You so much for your help and consideration in regards to this depressing situation I'm in,

Sincerely,

Bart Steele

ps...I also included a cool photo of us at Fenway Park performing the original version live on Ch.7 News in October 2004!!! Hope you likes!!!

# EXHIBIT 6

From: Carly Sakolove

FILED  
CLERK'S OFFICE

Re: Bart Steele's Song "Man I Really Love This Town (Team)"

JUN 17 2 50 PM '09

This statement is in regards to Bart Steele and the situation surrounding his song "Man I Really Love This Town (Team). The facts are completely true as I remember them, and I speak fully out of personal observation, not from hearsay.

I first met Mr. Steele in September of 2007. While getting to know him, I learned how troubled he was with the recent knowledge that the song he wrote in 2004 seemed to have been revamped and turned into an ad campaign for MLB Playoffs. We began dating and spending most of our time together. I joined his band, the Chelsea City Council and moved in with him at 80 Park St. and I know more than anyone how much this matter consumed him. He was (and still is) completely devastated, like someone had kidnapped his own child.

I was shocked when Bart first showed me the MLB promo video of "I Love this Town" lined up to his own song. It was eerie and disturbing how well they matched and sounded similar. It was as if this video had been originally made to his version of the song. I did not need any convincing that Mr. Steele had been wronged. In January 2008, I was even present at Rocca (the restaurant where we both worked) when Bart was talking to a man sitting at the bar, dressed in upscale Red Sox gear. It turns out he was good friends with one of the owners of the team. When Bart asked him if he knew about his song, he told him that he thought the Bon Jovi song was the same song as Bart's. When Bart took me to get a tattoo at Ferry Street Ink, in Everett, MA, the owner, Sean said, "Hey! Did I hear your song on tv?" To which I responded "Wrong question to ask him right now. You are the third person today to ask him that."

In all of Bart's efforts to get this matter resolved, one of the lifelines he reached out to was ASCAP. He hoped that the society would help to protect him and help him get the credit he deserved for the song that he copyrighted in 2004. In March of 2008, Bart received a call from ASCAP. He picked up the phone and started talking to Robert Cheatham and Andrew Rodriguez. Bart was very excited to receive the call so he put them on speakerphone so I could hear what they were saying. They told him they found it hard to believe that this was independent creation and that this kind of stuff happens all the time. They said after reviewing Bart's Song and Bon Jovi's song, he felt that there were enough similarities to conclude suspicious behavior and plagiarism. He said that they wanted to get the parties together to resolve this matter amicably. After this phone call Bart and I were jumping up and down! We were so excited, because we knew that ASCAP was on our side.

It is over a year later and the facts are still clear, and Mr. Steele is still yet to receive due credit for the song he poured his heart into. Being his girlfriend, best friend, roommate, and coworker I truly believe he has been wronged. I know that if it had just been a "coincidence", it would not have affected him the way it has. Please take these observations into consideration. I am happy to discuss anything I have mentioned in these preceding paragraphs.

*Carly S. Sakolove* 6/22/09

Affidavit Bart Steele.doc

Page 2 of 2

Carly Sakolove

35 St. Nicholas Terracc#63

New York, New York 10027

(561) 452-2787

Received a BFA in Musical Theater from The Boston Conservatory

Currently an actress in NYC

Sworn Statement.doc

Page 1 of 1

**Affidavit Sworn Statement from Carly Sakolove**

I swear under the penalty of perjury that my statement is true to the best of my knowledge.

Signed,

 6/22/09  
Carly Sakolove

# EXHIBIT 7



**Robert Cheatham**  
Repertory Services  
Repertory Department  
[rcheatham@ascap.com](mailto:rcheatham@ascap.com)

March 25, 2008

John F. Bongiovi  
% Gudvi, Sussman & Oppenheim  
1222 16<sup>th</sup> Ave. South  
Third Floor  
Nashville, TN 37212

Sony/ATV Tunes LLC  
c/o Aggressive Music  
Attn: Amy Cranford  
8 Music Square West  
Nashville, TN 37203

Richard S. Sambora  
% Gelfand, Rennert & Feldman  
360 Hamilton Ave.  
Ste 100  
White Plains, NY 10601

**Email:** [garrett.nakasuji@umusic.com](mailto:garrett.nakasuji@umusic.com), [bartsteele@comcast.net](mailto:bartsteele@comcast.net)

**RE: "I Love This Town" (Title Code: 392590937) Entitled Parties:  
Samuel Bartley Steele, John Bongiovi, Richard Sambora, Universal Polygram, Sony/ATV  
Tunes, Aggressive Music and Bart Steele Publishing**

Dear Members:

ASCAP has received multiple claims for the composition referenced above. These claims, when compared, hold discrepant information. For easy reference, the detail of each claim is attached.

Please submit any substantiating documentation supporting your claim. It will expedite the process if any correspondence regarding this work is sent to my attention. If at the end of thirty (30) days no correspondence has been received, ASCAP will continue to reflect the information currently listed on our records as noted in the column that includes ASCAP Title Code **392590937**.

Contact me if you have any questions.

Kind regards,

Robert Cheatham

Enclosure



<b>Title: "I Love This Town"</b>				
<b>Entitled Party</b>	<b>ASCAP Title Code 392590937</b>	<b>Title Registration Submitted By Sony ATV Tunes LLC</b>	<b>Title Registration Submitted By Universal Music Corp</b>	<b>Title Registration Submitted By Bart Steele</b>
John F Bongiovi - ASCAP	33.34%	33.34%	<b>33.34%</b>	
William Falcone - BMI	33.34%	33.32%	33.34%	
Richard S Sambora - ASCAP	33.32%	<b>33.34%</b>	33.32%	
Bart Steele - ASCAP				<b>97%</b>
Robert Petersen				3%
Universal Polygram - ASCAP	16.67%		<b>16.67%</b>	
Bon Jovi Pyblishing/Polygram - ASCAP	16.67%		<b>16.67%</b>	
Pretty Blue Songs - BMI	33.34%		33.34%	
Sony /ATV Tunes LLC - ASCAP	16.66%	<b>16.68%</b>		
Aggressive Music - ASCAP	16.66%	<b>16.68%</b>	33.32%	
Publisher Unknown		66.64%		
Bart Steele Publishing - ASCAP				<b>97%</b>
Unknown Publisher				3%
<b>Total</b>	<b>200%</b>	<b>200%</b>	<b>200%</b>	<b>200%</b>

## **EXHIBIT 8**

Bart Steele  
Bart Steele Publishing  
80 Park Street  
Chelsea, Mass. 02150  
www.myspace.com/chelseacitycouncil  
Telephone: 508-737-5235

April 4, 2008

VIA U.S. Mail:  
John F. Bongiovi  
c/o Gudvi, Sussman & Oppenheim  
1222 16th Ave. South  
Third Floor  
Nashville, TN 37212

VIA FAX: 615-269-6002  
Vector Management  
Attn: Jack Rovner

VIA U.S. Mail and FAX: 615-726-8444  
Sony/ ATV Tunes LLC/Sony Tree Publishing  
c/o Aggressive Music  
Attn: Amy Cranford  
8 Music Square West  
Nashville, TN 37203

VIA U.S. Mail and FAX: 212-307-8009  
Richard S. Sambora  
c/o Mario Testani  
Gelfand, Rennert & Feldman  
360 Hamilton Ave  
Ste. 100  
White Plains, NY 10601

Re: ASCAP claim re: "I Love This Town"

Greetings:

As you may be aware, I have submitted a claim to ASCAP regarding songwriting and publishing credits for "I Love This Town." Attached is a copy of the correspondence ASCAP sent me last week regarding this claim.

ASCAP has urged me to discuss this matter informally with you before I pursue my legal remedies. Since I will be attending the ASCAP Expo where Jon BonJovi and Richie Sambora will be speakers, I am hoping there will be an opportunity to schedule that meeting at the Expo. I would be more than happy to make myself available at whatever time is convenient for them. If

you would like to schedule such an informal discussion, please contact me on my cell phone at 508-737-5235 or bartsteele@comcast.net

Sincerely,

Bart Steele

cc: Robert Cheatham, ASCAP Repertory Dept.

## EXHIBIT 9

Forwarded Message -----

From: "Penny Castle" <Penny.Castle@umusic.com>

To: bartsteele@comcast.net

Cc: "Carolyn Edwards" <carolyn.edwards@umusic.com>, "Garrett Nakasuji" <Garrett.Nakasuji@umusic.com>, RCheatham@ascap.com, "Jackie Kishaba" <Jackie.Kishaba@umusic.com>

Sent: Monday, April 7, 2008 2:05:37 PM

Subject: RE: "I Love This Town"

Dear Mr. Steele,

A copy of your April 6, 2008 e-mail to Garrett Nakasuji at Universal Music Publishing Group and Robert Cheatham at ASCAP, concerning the Bon Jovi composition "**I Love This Town**", has been forwarded to my attention.

I see that you're claiming a 97% share of the song, and that you also show someone named Robert Petersen with a 3% share (although no one named Robert Petersen has tried to claim a share of "**I Love This Town**"). What is the nature of your claim to the composition "**I Love This Town**"? Please forward the details and documentation to my attention in writing, including audio documentation supporting your claim. My e-mail address and mailing address are provided below.

Please be aware that, as the administrator of Jon Bon Jovi's music publishing catalog, we will be working on his behalf to resolve this matter with you. It will not be necessary for you to meet with Mr. Bon Jovi.

Thank you.

Kind regards,

## **Penny Castle**

Copyright Manager

Universal Music Publishing Group

2440 Sepulveda Blvd., Suite 100

Los Angeles, CA 90064

(310) 235-4854 -- phone

(310) 235-4803 -- fax

[Penny.castle@umusic.com](mailto:Penny.castle@umusic.com)

<http://www.umusicpub.com>

<http://www.SYNCHExpress.com>

<http://www.UMPLMusic.com>

# EXHIBIT 10



EDELSTEIN, LAIRD & SOBEL, LLP

PETER LAIRD  
EMAIL: LAIRD@ELSENLAW.COM

ATTORNEYS AT LAW  
9255 SUNSET BLVD.  
LOS ANGELES, CA 90069  
(310) 274-6184  
TELEFAX: (310) 274-6185

GERALD F. EDELSTEIN  
OF COUNSEL

April 9, 2008

**VIA EMAIL & U.S. MAIL**

*bartsteele@comcast.net*

Mr. Bart Steele  
Bart Steele Publishing  
80 Park Street  
Chelsea, MA 02150

**Re: John Bongiovi, et al adv. Bart Steele Publishing / ASCAP Claim / "I Love This Town" (the "Composition")**

Dear Mr. Steele:

We are the attorneys for John Bongiovi. We have been provided with a copy of your letter dated April 4, 2008 in connection with the matter referred to above.

On behalf of our client, we hereby reject your claim to any interest whatsoever in the Composition, whether as a songwriter or publisher. As indicated on ASCAP's Title Code 392590937, the Composition was co-written by our client, with Richard Sambora and William Falcone.

Please promptly forward directly to us a detailed written explanation of the purported basis for your claim regarding the Composition, together with any supporting documentation. Further, please be advised that any further pursuit of your claim regarding the Composition shall be deemed harmful to our client's interests, and we shall vigorously enforce our client's rights therein.

H:\USERS\PL\BONJOVI\LETTERS\Steele letter 040908.doc

# EXHIBIT 11

LAW OFFICES OF  
**CARROLL, GUIDO & GROFFMAN, LLP**

ROSEMARY CARROLL◊◊  
ELLIOT J. GROFFMAN◊  
MICHAEL GUIDO◊  
JANINE SMALL◊◊  
ROB COHEN◊  
JENNIFER L. JUSTICE◊  
GILLIAN R. BAR◊  
PAUL S. GUTMAN◊  
RENEE L. KARALIAN◊◊

◊ ADMITTED IN CALIFORNIA  
◊ ADMITTED IN NEW YORK

1790 BROADWAY, 20TH FLOOR  
NEW YORK, NEW YORK 10019  
TELEPHONE (212) 759-2300  
FACSIMILE (212) 759-9556

9111 SUNSET BOULEVARD  
LOS ANGELES, CALIFORNIA 90069  
TELEPHONE (310) 271-0241  
FACSIMILE (310) 271-0775

WWW.CCGGLAW.COM

April 15, 2008

VIA U.S. MAIL & EMAIL (bartsteele@comcast.net)

Bart Steele  
Bart Steele Publishing  
80 Park Street  
Chelsea, MA 02150

Re: **ASCAP Claim - "I Love This Town"**

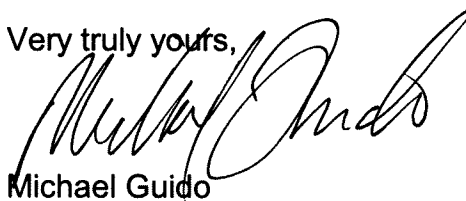
Dear Mr. Steele:

We have received a copy of your letter dated April 4, 2008, regarding the above-referenced matter. On behalf of our client, Richard Sambora, we reject your claim to any interest in the composition "I Love This Town" (the "Composition") in any manner whatsoever. The Composition was co-written by our client, John Bongiovi and William Falcone.

Please indicate the basis of your claim, in writing, and submit any documentation supporting it. Be advised that further pursuit of your claim shall be considered harmful to our client's interest. Therefore, we will enforce his rights to the full extent of the law.

Nothing contained or omitted on this letter shall in any way be deemed a waiver of our client's rights or remedies, whether at law or in equity, all of which shall be reserved.

Very truly yours,



Michael Guido

MG/ag

cc: Robert Cheatham  
Peter Laird, Esq.  
Gerald F. Edelstein, Esq  
Mario Testani  
William Falcone  
Jack Rovner

## EXHIBIT 12

**Bart Steele**  
**Bart Steele Publishing**  
**80 Park Street**  
**Chelsea, Massachusetts 02150**  
[www.myspace.com/chelseacitycouncil](http://www.myspace.com/chelseacitycouncil)  
**Telephone: 508-737-5235**

**April 20, 2008**

Penny Castle  
Copyright Manager, Universal Music Publishing Group  
2440 Sepulveda Blvd., Suite 1000  
Los Angeles, California 90064

Peter Laird, Esq.  
Edelstein, Laird & Sobel, LLP  
9255 Sunset Blvd.  
Los Angeles, California 90069

Michael Guido, Esq.  
Carroll, Guido & Groffman, LLP  
1790 Broadway, 20<sup>th</sup> Floor  
New York, New York 10019

**RE: ASCAP Claim / "I Love This Town"**

Dear Ms. Castle, Mr. Laird and Mr. Guido,

Thank you for responding to my April 4, 2008 letter requesting a meeting to discuss this matter. Each of you has refused that request and asked me to send documentation supporting my claim directly to you. I am taking that request under advisement.

By this letter, I hereby demand that each of you take all necessary and appropriate steps to preserve and protect any and all evidence that may be in any way relevant to this dispute. This includes, without limitation, all documents and/or electronic data in your possession, custody or control. In order to assure that your obligation to preserve documents and things will be met, please forward a copy of this letter to all persons and entities with custodial responsibilities for any materials relevant to this dispute. Your

failure to preserve such evidence may subject you to additional claims for spoliation of evidence under state and federal law.

Sincerely,

Bart Steele

cc: Robert Cheatham, ASCAP Repertory Department  
[rcheatham@ascap.com](mailto:rcheatham@ascap.com)

## EXHIBIT 13

U.S. Department of Justice  
United States Marshals Service

**PROCESS RECEIPT AND RETURN**

See Instructions for "Service of Process by the U.S. Marshal" on the reverse of this form.

PLAINTIFF	Samuel Bartley Steele	COURT CASE NUMBER	08-CA-11727-NMG
DEFENDANT	Vector Management	TYPE OF PROCESS	Summons / Complaint
<b>SERVE</b> ➔ <b>AT</b>	NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC., TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN		
	Vector Management c/o Jack Rowner		
	ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code)		
	1607 17th Ave. S. Nashville, TN 37212		

SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW:		Number of process to be served with this Form - 285	108-cv-11727-NMG
<input type="checkbox"/> Samuel Bartley Steele c/o Bart Steele Publishing 80 Park St. Chelsea, ma. 02150		Number of parties to be served in this case	21
		Check for service on U.S.A.	

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Business Hours, Alternate Addresses, All Telephone Numbers, Estimated Times Available For Service):

FILED IN CLERKS OFFICE  
 2008 DEC 17 P 12:27  
 U.S. DISTRICT COURT  
 DISTRICT OF TENNESSEE  
 RECEIVED  
 2008 DEC -1 P 12:27

Signature of Attorney or other Originator requesting service on behalf of:	<input checked="" type="checkbox"/> PLAINTIFF <input type="checkbox"/> DEFENDANT	TELEPHONE NUMBER	DATE
<i>[Signature]</i>		508-737-5235	11/30/08

**SPACE BELOW FOR USE OF U.S. MARSHAL ONLY — DO NOT WRITE BELOW THIS LINE**

I acknowledge receipt for the total number of process indicated. (Sign only first USM 285 if more than one USM 285 is submitted)	Total Process	District of Origin No.	District to Serve No.	Signature of Authorized USMS Deputy or Clerk	Date
	1	39	75	<i>[Signature]</i>	12/3/08 12/1/08

I hereby certify and return that  I have personally served,  I have legal evidence of service,  I have executed as shown in "Remarks", the process described on the individual, company, corporation, etc., at the address shown above or on the individual, company, corporation, etc., shown at the address inserted below.

I hereby certify and return that I am unable to locate the individual, company, corporation, etc., named above (See remarks below)

Name and title of individual served (if not shown above)	<input type="checkbox"/> A person of suitable age and discretion then residing in the defendant's usual place of abode	
Joe Hoffner (General Manager)	Date of Service	Time am
Address (complete only if different than shown above)	12-8-08	2:40 pm
	Signature of U.S. Marshal or Deputy	
	<i>[Signature]</i>	

Service Fee	Total Mileage Charges (including endeavors)	Forwarding Fee	Total Charges	Advance Deposits	Amount owed to U.S. Marshal or	Amount of Refund
45.00		8.00	45.00		\$93.00	

REMARKS: Fed USMS MD/TN NT  
12-8-08 C.O.P. *[Signature]*



## EXHIBIT D

APPEAL, COPYRT

**United States District Court  
District of Massachusetts (Boston)  
CIVIL DOCKET FOR CASE #: 1:08-cv-11727-NMG**

Steele v. Turner Broadcasting System, Inc. et al  
Assigned to: Judge Nathaniel M. Gorton  
Case in other court: First Circuit, 09-02571  
Cause: 17:101 Copyright Infringement

Date Filed: 10/09/2008  
Date Terminated: 08/19/2009  
Jury Demand: Plaintiff  
Nature of Suit: 820 Copyright  
Jurisdiction: Federal Question

**Plaintiff****Samuel Bartley Steele**

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

V.

**Defendant****Turner Broadcasting System, Inc.**

represented by **Clifford M. Sloan**  
Skadden, Arps, Slate, Meagher & Flom  
LLP  
1440 New York Avenue, NW  
Washington, DC 20005  
202-371-7000  
Email: csloan@skadden.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Kenneth A. Plevan**

Skadden, Arps, Slate, Meagher & Flom  
919 Third Avenue  
New York, NY 10022-3897  
212 735-3000  
Email: kplevan@skadden.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Matthew J. Matule**

Skadden, Arps, Slate, Meagher & Flom  
LLP  
One Beacon Street

Boston, MA 02108  
617-573-4887  
Fax: 617-573-4822  
Email: mmatule@skadden.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Scott D. Brown**  
Skadden, Arps, Slate, Meagher & Flom  
LLP  
One Beacon Street  
31st Floor  
Boston, MA 02108  
617-573-4800  
Fax: 617-573-4822  
Email: sbrown@skadden.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Time Warner Corporation**

represented by **Clifford M. Sloan**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Kenneth A. Plevan**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

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

**Scott D. Brown**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Jon Bongiovi**

represented by **Clifford M. Sloan**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Kenneth A. Plevan**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Matthew J. Matule**

(See above for address)

*LEAD ATTORNEY**ATTORNEY TO BE NOTICED***Scott D. Brown**

(See above for address)

*LEAD ATTORNEY**ATTORNEY TO BE NOTICED***Defendant****Richard Sambora**represented by **Clifford M. Sloan**

(See above for address)

*LEAD ATTORNEY**ATTORNEY TO BE NOTICED***Kenneth A. Plevan**

(See above for address)

*LEAD ATTORNEY**ATTORNEY TO BE NOTICED***Matthew J. Matule**

(See above for address)

*LEAD ATTORNEY**ATTORNEY TO BE NOTICED***Scott D. Brown**

(See above for address)

*LEAD ATTORNEY**ATTORNEY TO BE NOTICED***Defendant****William Falcone**represented by **Clifford M. Sloan**

(See above for address)

*LEAD ATTORNEY**ATTORNEY TO BE NOTICED***Kenneth A. Plevan**

(See above for address)

*LEAD ATTORNEY**ATTORNEY TO BE NOTICED***Matthew J. Matule**

(See above for address)

*LEAD ATTORNEY**ATTORNEY TO BE NOTICED***Scott D. Brown**

(See above for address)

*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**The American Society of Composers**  
*TERMINATED: 12/08/2008*

**Defendant**

**Fox Television Networks**  
*correct legal name Fox Broadcasting*  
*Company*  
*TERMINATED: 04/06/2009*

represented by **Clifford M. Sloan**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Kenneth A. Plevan**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

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

**Scott D. Brown**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Major League Baseball**

represented by **Clifford M. Sloan**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Kenneth A. Plevan**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

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

**Scott D. Brown**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**MLB Productions, A & E**

represented by **Clifford M. Sloan**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Kenneth A. Plevan**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

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

**Scott D. Brown**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**A & E/AETV**

represented by **Clifford M. Sloan**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Kenneth A. Plevan**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

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

**Scott D. Brown**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Bon Jovi**

represented by **Clifford M. Sloan**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Kenneth A. Plevan**  
(See above for address)  
*LEAD ATTORNEY*

*ATTORNEY TO BE NOTICED*

**Matthew J. Matule**

(See above for address)

*LEAD ATTORNEY*

*ATTORNEY TO BE NOTICED*

**Scott D. Brown**

(See above for address)

*LEAD ATTORNEY*

*ATTORNEY TO BE NOTICED*

**Defendant**

**AEG Live**

represented by **Clifford M. Sloan**

(See above for address)

*LEAD ATTORNEY*

*ATTORNEY TO BE NOTICED*

**Kenneth A. Plevan**

(See above for address)

*LEAD ATTORNEY*

*ATTORNEY TO BE NOTICED*

**Matthew J. Matule**

(See above for address)

*LEAD ATTORNEY*

*ATTORNEY TO BE NOTICED*

**Scott D. Brown**

(See above for address)

*LEAD ATTORNEY*

*ATTORNEY TO BE NOTICED*

**Defendant**

**Mark Shimmel Music**

represented by **Clifford M. Sloan**

Skadden, Arps, Slate, Meagher & Flom  
LLP

1440 New York Avenue, NW

Washington, DC 20005

202-371-7000

Email: csloan@skadden.com

*LEAD ATTORNEY*

*PRO HAC VICE*

*ATTORNEY TO BE NOTICED*

**Kenneth A. Plevan**

Skadden, Arps, Slate, Meagher & Flom

919 Third Avenue

New York, NY 10022-3897

212 735-3000

Email: kplevan@skadden.com  
*LEAD ATTORNEY*  
*PRO HAC VICE*  
*ATTORNEY TO BE NOTICED*

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

**Scott D. Brown**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Vector Management**

*TERMINATED: 04/06/2009*

represented by **Clifford M. Sloan**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Kenneth A. Plevan**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

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

**Scott D. Brown**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Island Records**

*also known as*

Island Def Jam Records

**Defendant**

**Aggressive Music**

*TERMINATED: 04/06/2009*

*also known as*

Sony ATV Tunes

*TERMINATED: 04/06/2009*

represented by **Clifford M. Sloan**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Kenneth A. Plevan**  
(See above for address)  
*LEAD ATTORNEY*



*ATTORNEY TO BE NOTICED*

**Matthew J. Matule**

(See above for address)

*LEAD ATTORNEY*

*ATTORNEY TO BE NOTICED*

**Scott D. Brown**

(See above for address)

*LEAD ATTORNEY*

*ATTORNEY TO BE NOTICED*

**Defendant**

**Bon Jovi Publishing**

represented by **Clifford M. Sloan**

(See above for address)

*LEAD ATTORNEY*

*ATTORNEY TO BE NOTICED*

**Kenneth A. Plevan**

(See above for address)

*LEAD ATTORNEY*

*ATTORNEY TO BE NOTICED*

**Matthew J. Matule**

(See above for address)

*LEAD ATTORNEY*

*ATTORNEY TO BE NOTICED*

**Scott D. Brown**

(See above for address)

*LEAD ATTORNEY*

*ATTORNEY TO BE NOTICED*

**Defendant**

**Universal Music Publishing Group**

*TERMINATED: 04/06/2009*

represented by **Clifford M. Sloan**

(See above for address)

*LEAD ATTORNEY*

*PRO HAC VICE*

*ATTORNEY TO BE NOTICED*

**Kenneth A. Plevan**

(See above for address)

*LEAD ATTORNEY*

*PRO HAC VICE*

*ATTORNEY TO BE NOTICED*

**Matthew J. Matule**

(See above for address)

*LEAD ATTORNEY*

*ATTORNEY TO BE NOTICED*

**Scott D. Brown**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Universal Polygram**  
*TERMINATED: 04/06/2009*

represented by **Clifford M. Sloan**  
(See above for address)  
*LEAD ATTORNEY*  
*PRO HAC VICE*  
*ATTORNEY TO BE NOTICED*

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

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

**Scott D. Brown**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Pretty Blue Songs**

represented by **Clifford M. Sloan**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Kenneth A. Plevan**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

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

**Scott D. Brown**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant****The Bigger Picture Cinema Co.***TERMINATED: 04/02/2009*represented by **Clifford M. Sloan**  
(See above for address)  
*LEAD ATTORNEY*  
*PRO HAC VICE*  
*ATTORNEY TO BE NOTICED***Kenneth A. Plevan**  
(See above for address)  
*LEAD ATTORNEY*  
*PRO HAC VICE*  
*ATTORNEY TO BE NOTICED***Matthew J. Matule**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED***Scott D. Brown**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED***Defendant****Sony ATV Tunes***TERMINATED: 04/06/2009*represented by **Clifford M. Sloan**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED***Kenneth A. Plevan**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED***Matthew J. Matule**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED***Scott D. Brown**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED***Defendant****Kobalt Music Publishing America,  
Inc.**represented by **Amy B. Auth**  
Dwyer & Collora, LLP  
600 Atlantic Avenue  
Suite 1200  
Boston, MA 02210

617-371-1032  
Fax: 617-371-1037  
Email: aauth@dwycollora.com  
*LEAD ATTORNEY*  
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**David A. Bunis**  
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Fax: 617-371-1037  
Email: dbunis@dwycollora.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Boston Red Sox**

represented by **Clifford M. Sloan**  
(See above for address)  
*LEAD ATTORNEY*  
*PRO HAC VICE*  
*ATTORNEY TO BE NOTICED*

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

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

**Scott D. Brown**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
10/08/2008	<a href="#">1</a>	COMPLAINT against all defendants, filed by Samuel Bartley Steele. (Attachments: # <a href="#">1</a> civil cover and category sheets)(Gawlik, Cathy) (Entered: 10/09/2008)
10/08/2008	<a href="#">2</a>	MOTION for Leave to Proceed in forma pauperis by Samuel Bartley Steele. (Gawlik, Cathy) (Entered: 10/09/2008)
10/08/2008		ELECTRONIC NOTICE of Case Assignment. Judge Nathaniel M. Gorton assigned to case. If the trial Judge issues an Order of Reference of any matter in this case to a Magistrate Judge, the matter will be transmitted to Magistrate Judge Sorokin (Gawlik, Cathy) (Entered: 10/09/2008)
10/08/2008	<a href="#">3</a>	EXHIBITs (magazine and CD unable to scan; too voluminous) by Samuel Bartley Steele. (Gawlik, Cathy) (Entered: 10/09/2008)
10/31/2008	<a href="#">4</a>	Judge Nathaniel M. Gorton: ORDER entered granting <a href="#">2</a> Motion for Leave to Proceed in forma pauperis. The Clerk shall issue summons and the United States Marshal shall serve a copy of the summons, complaint, and this order upon defendant(s) as directed by plaintiff with all costs of service to be advanced by the United States. (PSSA, 3) (Entered: 11/03/2008)
11/03/2008		Summons Issued as to MLB Productions, A & E, A & E/AETV, Bon Jovi, AEG Live, Turner Broadcasting System, Inc., Time Warner Corporation, Jon Bongiovi, Richard Sambora, William Falcone, The American Society of Composers, Fox Television Networks, Major League Baseball, and mail to plaintiff with Local Rule 4.1 and forms and instructions for service by the United States Marshal. (PSSA, 3) (Entered: 11/03/2008)
11/25/2008		Summons Issued as to Mark Shimmel Music, Vector Management, Island Records, Aggressive Music, Bon Jovi Publishing, Universal Music Publishing Group, Universal Polygram, Pretty Blue Songs, The Bigger Picture Cinema Co.. Mailed to plaintiff with USM 285 forms, US marshal service information letter, and L.R. 4.1. (PSSA, 4) (Entered: 11/25/2008)
12/01/2008	<a href="#">5</a>	SUMMONS Returned Executed Fox Television Networks served on 11/19/2008, answer due 12/9/2008. Fox Legal Counselor decline to accept service because Fox Television Network does not exist. (Duong, Diep) (Entered: 12/02/2008)
12/01/2008	<a href="#">6</a>	SUMMONS Returned Executed. AEG Live served on 11/19/2008, answer due 12/9/2008. (Duong, Diep) (Entered: 12/02/2008)
12/03/2008	<a href="#">7</a>	SUMMONS Returned Executed William Falcone served on 11/18/2008, answer due 12/8/2008. (Duong, Diep) (Entered: 12/04/2008)
12/03/2008	<a href="#">8</a>	SUMMONS Returned Executed Jon Bongiovi served on 11/25/2008, answer due 12/15/2008. (Duong, Diep) (Entered: 12/04/2008)
12/03/2008	<a href="#">9</a>	SUMMONS Returned Executed Bon Jovi served on 11/18/2008, answer due 12/8/2008. (Duong, Diep) (Entered: 12/04/2008)
12/08/2008	<a href="#">10</a>	NOTICE of Appearance by Matthew J. Matule on behalf of MLB

		Productions, A & E, A & E/AETV, Bon Jovi, AEG Live, Vector Management, Aggressive Music, Bon Jovi Publishing, Pretty Blue Songs, Time Warner Corporation, Jon Bongiovi, Richard Sambora, William Falcone, Major League Baseball (Matule, Matthew) (Entered: 12/08/2008)
12/08/2008	<a href="#">11</a>	NOTICE of Appearance by Scott D. Brown on behalf of MLB Productions, A & E, A & E/AETV, Bon Jovi, AEG Live, Vector Management, Aggressive Music, Bon Jovi Publishing, Pretty Blue Songs, Time Warner Corporation, Jon Bongiovi, Richard Sambora, William Falcone, Major League Baseball (Brown, Scott) (Entered: 12/08/2008)
12/08/2008	<a href="#">12</a>	CORPORATE DISCLOSURE STATEMENT by Time Warner Corporation. (Matule, Matthew) (Entered: 12/08/2008)
12/08/2008	<a href="#">13</a>	CORPORATE DISCLOSURE STATEMENT by MLB Productions, A & E, Major League Baseball. (Matule, Matthew) (Entered: 12/08/2008)
12/08/2008	<a href="#">14</a>	CORPORATE DISCLOSURE STATEMENT by A & E/AETV. (Matule, Matthew) (Entered: 12/08/2008)
12/08/2008	<a href="#">15</a>	CORPORATE DISCLOSURE STATEMENT by AEG Live. (Matule, Matthew) (Entered: 12/08/2008)
12/08/2008	<a href="#">16</a>	CORPORATE DISCLOSURE STATEMENT by Vector Management. (Matule, Matthew) (Entered: 12/08/2008)
12/08/2008	<a href="#">17</a>	MOTION to Dismiss by MLB Productions, A & E, A & E/AETV, Bon Jovi, AEG Live, Vector Management, Aggressive Music, Bon Jovi Publishing, Pretty Blue Songs, Time Warner Corporation, Jon Bongiovi, Richard Sambora, William Falcone, Major League Baseball.(Matule, Matthew) (Entered: 12/08/2008)
12/08/2008	<a href="#">18</a>	MEMORANDUM in Support re <a href="#">17</a> MOTION to Dismiss filed by MLB Productions, A & E, A & E/AETV, Bon Jovi, AEG Live, Vector Management, Aggressive Music, Bon Jovi Publishing, Pretty Blue Songs, Time Warner Corporation, Jon Bongiovi, Richard Sambora, William Falcone, Major League Baseball. (Matule, Matthew) (Entered: 12/08/2008)
12/08/2008	<a href="#">19</a>	DECLARATION re <a href="#">17</a> MOTION to Dismiss by MLB Productions, A & E, A & E/AETV, Bon Jovi, AEG Live, Vector Management, Aggressive Music, Bon Jovi Publishing, Pretty Blue Songs, Time Warner Corporation, Jon Bongiovi, Richard Sambora, William Falcone, Major League Baseball. (Attachments: # <a href="#">1</a> Exhibit 1, # <a href="#">2</a> Exhibit 2, # <a href="#">3</a> Exhibit 3, # <a href="#">4</a> Exhibit 4, # <a href="#">5</a> Exhibit 5, # <a href="#">6</a> Exhibit 6, # <a href="#">7</a> Exhibit 7, # <a href="#">8</a> Exhibit 8, # <a href="#">9</a> Exhibit 9, # <a href="#">10</a> Exhibit 10, # <a href="#">11</a> Exhibit 11)(Matule, Matthew) (Entered: 12/08/2008)
12/08/2008	<a href="#">20</a>	NOTICE OF MANUAL FILING by MLB Productions, A & E, A & E/AETV, Bon Jovi, AEG Live, Vector Management, Aggressive Music, Bon Jovi Publishing, Pretty Blue Songs, Time Warner Corporation, Jon Bongiovi, Richard Sambora, William Falcone, Major League Baseball re <a href="#">19</a> Declaration, (Matule, Matthew) (Entered: 12/08/2008)
12/08/2008	<a href="#">25</a>	NOTICE of Voluntary Dismissal by Samuel Bartley Steele as to defendant American Society of Composers, Authors and Publishers. (Duong, Diep)

		(Entered: 12/10/2008)
12/09/2008	<a href="#">21</a>	NOTICE of Appearance by Matthew J. Matule on behalf of Fox Television Networks (Matule, Matthew) (Entered: 12/09/2008)
12/09/2008	<a href="#">22</a>	NOTICE of Appearance by Scott D. Brown on behalf of Fox Television Networks (Brown, Scott) (Entered: 12/09/2008)
12/09/2008	<a href="#">23</a>	CORPORATE DISCLOSURE STATEMENT by Fox Television Networks. (Matule, Matthew) (Entered: 12/09/2008)
12/09/2008	<a href="#">24</a>	MOTION to Dismiss by Fox Television Networks.(Matule, Matthew) (Entered: 12/09/2008)
12/12/2008	<a href="#">26</a>	NOTICE of Appearance by Matthew J. Matule on behalf of Sony ATV Tunes (Matule, Matthew) (Entered: 12/12/2008)
12/12/2008	<a href="#">27</a>	NOTICE of Appearance by Scott D. Brown on behalf of Sony ATV Tunes (Brown, Scott) (Entered: 12/12/2008)
12/12/2008	<a href="#">28</a>	CORPORATE DISCLOSURE STATEMENT by Sony ATV Tunes. (Matule, Matthew) (Entered: 12/12/2008)
12/12/2008	<a href="#">29</a>	MOTION to Dismiss by Sony ATV Tunes.(Matule, Matthew) (Entered: 12/12/2008)
12/15/2008	<a href="#">30</a>	NOTICE of Appearance by Matthew J. Matule on behalf of Turner Broadcasting System, Inc. (Matule, Matthew) (Entered: 12/15/2008)
12/15/2008	<a href="#">31</a>	NOTICE of Appearance by Scott D. Brown on behalf of Turner Broadcasting System, Inc. (Brown, Scott) (Entered: 12/15/2008)
12/15/2008	<a href="#">32</a>	CORPORATE DISCLOSURE STATEMENT by Turner Broadcasting System, Inc.. (Matule, Matthew) (Entered: 12/15/2008)
12/15/2008	<a href="#">33</a>	MOTION to Dismiss by Turner Broadcasting System, Inc..(Matule, Matthew) (Entered: 12/15/2008)
12/15/2008	<a href="#">34</a>	MOTION for Leave to Appear Pro Hac Vice for admission of Kenneth A. Plevan and Clifford M. Sloan by MLB Productions, A & E, A & E/AETV, Bon Jovi, Sony ATV Tunes, AEG Live, Turner Broadcasting System, Inc., Vector Management, Aggressive Music, Bon Jovi Publishing, Pretty Blue Songs, Time Warner Corporation, Jon Bongiovi, Richard Sambora, William Falcone, Fox Television Networks, Major League Baseball. (Attachments: # <a href="#">1</a> Exhibit A, # <a href="#">2</a> Exhibit B)(Matule, Matthew) (Entered: 12/15/2008)
12/16/2008		Filing fee/payment: \$ 100.00, receipt number BST07736 for <a href="#">34</a> MOTION for Leave to Appear Pro Hac Vice for admission of Kenneth A. Plevan and Clifford M. Sloan (Russo, Patricia) (Entered: 12/16/2008)
12/16/2008		Judge Nathaniel M. Gorton: Electronic ORDER entered granting <a href="#">34</a> Motion for Leave to Appear Pro Hac Vice; Added Kenneth A. Plevan and Clifford M. Sloan for MLB Productions, A & E, A & E/AETV, Bon Jovi, Sony ATV Tunes, AEG Live, Turner Broadcasting System, Inc., Vector Management, Aggressive Music, Bon Jovi Publishing, Pretty Blue Songs, Time Warner



		Corporation, Jon Bongiovi, Richard Sambora, William Falcone, Fox Television Networks and Major League Baseball. <b>Attorneys admitted Pro Hac Vice must register for electronic filing. To register go to the Court website at <a href="http://www.mad.uscourts.gov">www.mad.uscourts.gov</a>. Select Forms and then scroll down to CM/ECF Forms.</b> (Duong, Diep) (Entered: 12/16/2008)
12/17/2008	<a href="#">35</a>	SUMMONS Returned Executed MLB Productions, A & E served on 11/17/2008, answer due 12/8/2008; A & E/AETV served on 11/17/2008, answer due 12/8/2008; Time Warner Corporation served on 11/17/2008, answer due 12/8/2008; Richard Sambora served on 11/17/2008, answer due 12/8/2008; Major League Baseball served on 11/17/2008, answer due 12/8/2008. (Duong, Diep) (Entered: 12/22/2008)
12/17/2008	<a href="#">36</a>	SUMMONS Returned Executed Turner Broadcasting System, Inc. served on 12/9/2008, answer due 12/29/2008; Vector Management served on 12/8/2008, answer due 12/29/2008; Aggressive Music served on 12/8/2008, answer due 12/29/2008; Bon Jovi Publishing served on 12/8/2008, answer due 12/29/2008; Pretty Blue Songs served on 12/11/2008, answer due 12/31/2008. (Duong, Diep) (Entered: 12/22/2008)
12/22/2008	<a href="#">37</a>	STIPULATION <i>And [Proposed] Order Regarding The Plaintiff's Responses To The Defendants' Motions To Dismiss</i> by MLB Productions, A & E, A & E/AETV, Bon Jovi, Sony ATV Tunes, AEG Live, Samuel Bartley Steele, Turner Broadcasting System, Inc., Vector Management, Aggressive Music, Bon Jovi Publishing, Pretty Blue Songs, Time Warner Corporation, Jon Bongiovi, Richard Sambora, William Falcone, Fox Television Networks, Major League Baseball. (Matule, Matthew) (Entered: 12/22/2008)
01/14/2009	<a href="#">39</a>	MOTION for Extension of Time to January 30, 2009 to File Respond to Defendants' Motion to Dismiss by Samuel Bartley Steele. (Duong, Diep) (Entered: 01/15/2009)
01/15/2009	<a href="#">38</a>	<i>Defendants' Response</i> by MLB Productions, A & E, A & E/AETV, Bon Jovi, Sony ATV Tunes, AEG Live, Turner Broadcasting System, Inc., Vector Management, Aggressive Music, Bon Jovi Publishing, Pretty Blue Songs, Time Warner Corporation, Jon Bongiovi, Richard Sambora, William Falcone, Fox Television Networks, Major League Baseball <i>To <a href="#">39</a> Plaintiffs' Motion To Extend Time To Respond To Defendants' Motion To Dismiss</i> . (Matule, Matthew) (Entered: 01/15/2009)
01/15/2009		Judge Nathaniel M. Gorton: Electronic ORDER entered granting <a href="#">39</a> Motion for Extension of Time to File Response/Reply re <a href="#">24</a> MOTION to Dismiss, <a href="#">17</a> MOTION to Dismiss, <a href="#">29</a> MOTION to Dismiss, <a href="#">33</a> MOTION to Dismiss Responses due by 1/30/2009 (Nicewicz, Craig) (Entered: 01/15/2009)
01/28/2009	<a href="#">40</a>	SUMMONS Returned Executed The Bigger Picture Cinema Co. served on 1/21/2009, answer due 2/10/2009. Universal Music Publishing Group and Universal Polygram were referred to CT Corporation for service but CT Corp have no business by these names. (Duong, Diep) (Entered: 01/28/2009)
01/30/2009	<a href="#">41</a>	AMENDED COMPLAINT against all defendants filed by Samuel Bartley Steele along with a copy of MP3 file "I Love This Team Town" (Duong, Diep) (Entered: 02/02/2009)



01/30/2009	<a href="#">42</a>	Opposition re <a href="#">17</a> MOTION to Dismiss, <a href="#">29</a> MOTION to Dismiss, <a href="#">33</a> MOTION to Dismiss, <a href="#">24</a> MOTION to Dismiss filed by Samuel Bartley Steele. (Duong, Diep) (Entered: 02/02/2009)
02/10/2009	<a href="#">43</a>	Summons Returned Unexecuted by Samuel Bartley Steele as to Island Records. After several attempts, USM unable to locate the defendant. (Duong, Diep) (Entered: 02/10/2009)
02/12/2009	<a href="#">44</a>	AFFIDAVIT OF SERVICE Executed by Samuel Bartley Steele re defendants Island Records, Universal Polygram an Universal Music Publishing Group. (Duong, Diep) (Entered: 02/12/2009)
02/18/2009	<a href="#">45</a>	NOTICE of Appearance by Matthew J. Matule on behalf of The Bigger Picture Cinema Co. (Matule, Matthew) (Entered: 02/18/2009)
02/18/2009	<a href="#">46</a>	NOTICE of Appearance by Scott D. Brown on behalf of The Bigger Picture Cinema Co. (Brown, Scott) (Entered: 02/18/2009)
02/18/2009	<a href="#">47</a>	CORPORATE DISCLOSURE STATEMENT by The Bigger Picture Cinema Co.. (Matule, Matthew) (Entered: 02/18/2009)
02/18/2009	<a href="#">48</a>	MOTION to Dismiss <a href="#">41</a> Amended Complaint by Bon Jovi, Turner Broadcasting System, Inc., Aggressive Music, Bon Jovi Publishing, Pretty Blue Songs, Time Warner Corporation, Jon Bongiovi, Richard Sambora, William Falcone, MLB Productions A&E, Major League Baseball.(Matule, Matthew) (Entered: 02/18/2009)
02/18/2009	<a href="#">49</a>	MEMORANDUM in Support re <a href="#">48</a> MOTION to Dismiss <i>The Amended Complaint</i> filed by Bon Jovi, Turner Broadcasting System, Inc., Aggressive Music, Bon Jovi Publishing, Pretty Blue Songs, Time Warner Corporation, Jon Bongiovi, Richard Sambora, William Falcone, MLB Productions A&E, Major League Baseball (Attachments: # <a href="#">1</a> Exhibit A)(Matule, Matthew) (Entered: 02/18/2009)
02/18/2009	<a href="#">50</a>	DECLARATION re <a href="#">48</a> MOTION to Dismiss <i>The Amended Complaint</i> by Bon Jovi, Turner Broadcasting System, Inc., Aggressive Music, Bon Jovi Publishing, Pretty Blue Songs, Time Warner Corporation, Jon Bongiovi, Richard Sambora, William Falcone, MLB Productions A&E, Major League Baseball. (Attachments: # <a href="#">1</a> Exhibit 1, # <a href="#">2</a> Exhibit 2, # <a href="#">3</a> Exhibit 3, # <a href="#">4</a> Exhibit 4, # <a href="#">5</a> Exhibit 5, # <a href="#">6</a> Exhibit 6, # <a href="#">7</a> Exhibit 7, # <a href="#">8</a> Exhibit 8, # <a href="#">9</a> Exhibit 9, # <a href="#">10</a> Exhibit 10)(Matule, Matthew) (Entered: 02/18/2009)
02/18/2009	<a href="#">51</a>	NOTICE OF MANUAL FILING by Bon Jovi, Turner Broadcasting System, Inc., Aggressive Music, Bon Jovi Publishing, Pretty Blue Songs, Time Warner Corporation, Jon Bongiovi, Richard Sambora, William Falcone re <a href="#">50</a> Declaration, (Matule, Matthew) (Entered: 02/18/2009)
02/18/2009	<a href="#">52</a>	MOTION to Dismiss <i>The Amended Complaint</i> by A & E/AETV, Sony ATV Tunes, AEG Live, Vector Management, The Bigger Picture Cinema Co., Fox Television Networks.(Matule, Matthew) (Entered: 02/18/2009)
02/18/2009	<a href="#">53</a>	MEMORANDUM in Support re <a href="#">52</a> MOTION to Dismiss <i>The Amended Complaint</i> filed by A & E/AETV, Sony ATV Tunes, AEG Live, Vector Management, The Bigger Picture Cinema Co., Fox Television Networks.

		(Matule, Matthew) (Entered: 02/18/2009)
02/18/2009	<a href="#">55</a>	SUMMONS Returned Executed Mark Shimmel Music served on 12/24/2008, answer due 1/13/2009. (Duong, Diep) (Entered: 02/19/2009)
02/19/2009	<a href="#">54</a>	NOTICE of Scheduling Conference Scheduling Conference set for 3/31/2009 03:30 PM in Courtroom 4 before Judge Nathaniel M. Gorton. (Nicewicz, Craig) (Entered: 02/19/2009)
02/20/2009	<a href="#">56</a>	NOTICE of Appearance by Matthew J. Matule on behalf of Mark Shimmel Music (Matule, Matthew) (Entered: 02/20/2009)
02/20/2009	<a href="#">57</a>	NOTICE of Appearance by Scott D. Brown on behalf of Mark Shimmel Music (Brown, Scott) (Entered: 02/20/2009)
02/20/2009	<a href="#">58</a>	MOTION to Dismiss <i>The Amended Complaint</i> by Mark Shimmel Music. (Matule, Matthew) (Entered: 02/20/2009)
02/25/2009	<a href="#">59</a>	SUMMONS Returned Executed Kobalt Music Group served on 2/19/2009, answer due 3/11/2009. (Duong, Diep) (Entered: 02/25/2009)
03/04/2009	<a href="#">60</a>	SUMMONS Returned Executed Boston Red Sox served on 3/3/2009, answer due 3/23/2009; Universal Music Publishing Group served on 2/19/2009, answer due 3/11/2009; Universal Polygram served on 2/20/2009, answer due 3/12/2009. (Duong, Diep) (Entered: 03/05/2009)
03/04/2009	<a href="#">61</a>	Opposition re <a href="#">58</a> MOTION to Dismiss <i>The Amended Complaint</i> , <a href="#">48</a> MOTION to Dismiss <i>The Amended Complaint</i> , <a href="#">52</a> MOTION to Dismiss <i>The Amended Complaint</i> filed by Samuel Bartley Steele. (Attachments: # <a href="#">1</a> Exhibit)(Duong, Diep) (Entered: 03/05/2009)
03/11/2009	<a href="#">62</a>	NOTICE of Appearance by Daniel J. Cloherty on behalf of Kobalt Music Group (Cloherty, Daniel) (Entered: 03/11/2009)
03/11/2009	<a href="#">63</a>	NOTICE of Appearance by Amy B. Auth on behalf of Kobalt Music Group (Auth, Amy) (Entered: 03/11/2009)
03/11/2009	<a href="#">64</a>	MOTION to Dismiss <i>the Amended Complaint</i> by Kobalt Music Group.(Auth, Amy) (Entered: 03/11/2009)
03/11/2009	<a href="#">65</a>	MEMORANDUM in Support re <a href="#">64</a> MOTION to Dismiss <i>the Amended Complaint</i> filed by Kobalt Music Group. (Auth, Amy) (Entered: 03/11/2009)
03/11/2009	<a href="#">66</a>	CORPORATE DISCLOSURE STATEMENT by Kobalt Music Group. (Auth, Amy) (Entered: 03/11/2009)
03/11/2009	<a href="#">67</a>	NOTICE of Appearance by Matthew J. Matule on behalf of Universal Music Publishing Group, Universal Polygram (Matule, Matthew) (Entered: 03/11/2009)
03/11/2009	<a href="#">68</a>	NOTICE of Appearance by Scott D. Brown on behalf of Universal Music Publishing Group, Universal Polygram (Brown, Scott) (Entered: 03/11/2009)
03/11/2009	<a href="#">69</a>	CORPORATE DISCLOSURE STATEMENT by Universal Music Publishing Group. (Matule, Matthew) (Entered: 03/11/2009)

03/11/2009	<a href="#">70</a>	CORPORATE DISCLOSURE STATEMENT by Universal Polygram. (Matule, Matthew) (Entered: 03/11/2009)
03/11/2009	<a href="#">71</a>	MOTION to Dismiss <i>The Amended Complaint</i> by Universal Music Publishing Group, Universal Polygram.(Matule, Matthew) (Entered: 03/11/2009)
03/11/2009	<a href="#">72</a>	NOTICE of Appearance by David A. Bunis on behalf of Kobalt Music Group (Bunis, David) (Entered: 03/11/2009)
03/12/2009	<a href="#">73</a>	NOTICE of Appearance by Matthew J. Matule on behalf of Boston Red Sox (Matule, Matthew) (Entered: 03/12/2009)
03/12/2009	<a href="#">74</a>	NOTICE of Appearance by Scott D. Brown on behalf of Boston Red Sox (Brown, Scott) (Entered: 03/12/2009)
03/12/2009	<a href="#">75</a>	CORPORATE DISCLOSURE STATEMENT by Boston Red Sox. (Matule, Matthew) (Entered: 03/12/2009)
03/12/2009	<a href="#">76</a>	MOTION to Dismiss <i>The Amended Complaint</i> by Boston Red Sox.(Matule, Matthew) (Entered: 03/12/2009)
03/16/2009	<a href="#">77</a>	MOTION for Leave to File <i>Reply Memorandum In Further Support Of Defendants' Motions To Dismiss The Amended Complaint (UNOPPOSED)</i> by MLB Productions, A & E, A & E/AETV, Bon Jovi, Sony ATV Tunes, AEG Live, Boston Red Sox, Turner Broadcasting System, Inc., Mark Shimmel Music, Vector Management, Aggressive Music, Bon Jovi Publishing, Universal Music Publishing Group, Universal Polygram, Pretty Blue Songs, Time Warner Corporation, The Bigger Picture Cinema Co., Jon Bongiovi, Richard Sambora, William Falcone, Fox Television Networks, Major League Baseball. (Attachments: # <a href="#">1</a> Exhibit A)(Matule, Matthew) (Entered: 03/16/2009)
03/23/2009	<a href="#">78</a>	MOTION for Leave to Appear Pro Hac Vice for admission of Kenneth A. Plevan and Clifford M. Sloan Filing fee \$ 100, receipt number 0101000000002348251. by Boston Red Sox, Mark Shimmel Music, Universal Music Publishing Group, Universal Polygram, The Bigger Picture Cinema Co.. (Attachments: # <a href="#">1</a> Exhibit A, # <a href="#">2</a> Exhibit B)(Matule, Matthew) (Entered: 03/23/2009)
03/24/2009		Judge Nathaniel M. Gorton: Electronic ORDER entered granting <a href="#">78</a> Motion for Leave to Appear Pro Hac Vice; Added Clifford M. Sloan and Kenneth A. Plevan for Boston Red Sox, Mark Shimmel Music, Universal Music Publishing Group, Universal Polygram and The Bigger Picture Cinema Co. <b>Attorneys admitted Pro Hac Vice must register for electronic filing. To register go to the Court website at <a href="http://www.mad.uscourts.gov">www.mad.uscourts.gov</a>. Select Case Information, then Electronic Filing (CM/ECF) and go to the CM/ECF Registration Form.</b> (Duong, Diep) (Entered: 03/24/2009)
03/24/2009	<a href="#">79</a>	JOINT SUBMISSION pursuant to Local Rule 16.1 <i>And Fed. R. Civ. P. 26(f)</i> by MLB Productions, A & E, A & E/AETV, Bon Jovi, Sony ATV Tunes, AEG Live, Samuel Bartley Steele, Kobalt Music Publishing America, Inc., Boston Red Sox, Turner Broadcasting System, Inc., Mark Shimmel Music,

		Vector Management, Aggressive Music, Bon Jovi Publishing, Universal Music Publishing Group, Universal Polygram, Pretty Blue Songs, Time Warner Corporation, The Bigger Picture Cinema Co., Jon Bongiovi, Richard Sambora, William Falcone, Fox Television Networks, Major League Baseball.(Matule, Matthew) (Entered: 03/24/2009)
03/25/2009	<a href="#">80</a>	CERTIFICATION pursuant to Local Rule 16.1 by Kobalt Music Publishing America, Inc..(Auth, Amy) (Entered: 03/25/2009)
03/25/2009	<a href="#">81</a>	MOTION for Leave to File <i>Reply Memorandum (UNOPPOSED)</i> by A & E/AETV, Sony ATV Tunes, AEG Live, Vector Management, Universal Music Publishing Group, Universal Polygram, The Bigger Picture Cinema Co., Fox Television Networks. (Attachments: # <a href="#">1</a> Exhibit A)(Brown, Scott) (Entered: 03/25/2009)
03/27/2009	<a href="#">82</a>	Summons Returned Unexecuted by Samuel Bartley Steele as to Island Records. (Duong, Diep) (Entered: 03/30/2009)
03/30/2009	<a href="#">83</a>	CERTIFICATION pursuant to Local Rule 16.1 (D)(3) by MLB Productions, A & E, A & E/AETV, Bon Jovi, Sony ATV Tunes, AEG Live, Boston Red Sox, Turner Broadcasting System, Inc., Mark Shimmel Music, Vector Management, Aggressive Music, Bon Jovi Publishing, Universal Music Publishing Group, Universal Polygram, Pretty Blue Songs, Time Warner Corporation, The Bigger Picture Cinema Co., Jon Bongiovi, Richard Sambora, William Falcone, Fox Television Networks, Major League Baseball.(Matule, Matthew) (Entered: 03/30/2009)
03/31/2009		Electronic Clerk's Notes for proceedings held before Judge Nathaniel M. Gorton: Scheduling Conference held on 3/31/2009. (Court Reporter: dahlstrom.) (Nicewicz, Craig) (Entered: 04/01/2009)
03/31/2009		Electronic Clerk's Notes for proceedings held before Judge Nathaniel M. Gorton: Scheduling Conference held on 3/31/2009. (Court Reporter: Dahlstrom.)(Attorneys present: Various) (Nicewicz, Craig) (Entered: 04/15/2009)
04/01/2009	<a href="#">84</a>	NOTICE of Voluntary Dismissal as to defendant The Bigger Picture Cinema Company by Samuel Bartley Steele (Duong, Diep) (Entered: 04/02/2009)
04/03/2009	<a href="#">85</a>	Judge Nathaniel M. Gorton: ORDER entered. MEMORANDUM & ORDER "In accordance with the foregoing, this Court rules as follows: 1) Defendants' motions to dismiss (Docket Nos. <a href="#">17</a> , <a href="#">24</a> , <a href="#">29</a> and <a href="#">33</a> ), all of which were filed before the plaintiffs amended their complaint, are DENIED as MOOT; 2) The motion of the Non-Implicated Defendants to dismiss (Docket No. <a href="#">52</a> ) is, with respect to defendants Fox Broadcasting Company, Sony ATV Tunes LLC and Vector 2 LLC, ALLOWED but is otherwise DENIED; 3) the motions to dismiss of defendant Mark Shimmel Music (Docket No. <a href="#">58</a> ) and defendant Kobalt Music Publishing America (Docket No. <a href="#">64</a> ) are DENIED; 4) the motion of defendants Universal Music Publishing and Universal Polygram International Publishing to dismiss (Docket No. <a href="#">71</a> ) is, with respect to defendant Universal Music Publishing, ALLOWED but is otherwise DENIED; 5) The defendants motions to dismiss (Docket Nos. <a href="#">48</a> and <a href="#">76</a> ) are DENIED and 6) limited discovery will proceed as follows: a) all discovery



		relevant to the issue of substantial similarity will be completed on or before May 31, 2009; b) dispositive motions with respect to substantial similarity will be filed on or before June 26, 2009, and oppositions will be filed on or before July 17, 2009; c) a hearing on any pending dispositive motion will be held on Wednesday, August 12, 2009, at 3:30 PM ." Copy mailed to plaintiff (Duong, Diep) (Entered: 04/06/2009)
04/06/2009		Set/Reset Deadlines: Discovery to be completed by 5/31/2009, Dispositive Motions due by 6/26/2009. Oppositions due by 7/17/2009, Motion Hearing set for 8/12/2009 03:30 PM in Courtroom 4 before Judge Nathaniel M. Gorton. (Duong, Diep) (Entered: 04/06/2009)
04/09/2009	<a href="#">86</a>	Transcript of Hearing on Motions to Dismiss held on March 31, 2009, before Judge Gorton. Court Reporter: Cheryl Dahlstrom at 617/951-4555. The Transcript may be purchased through the Court Reporter, viewed at the public terminal, or viewed through PACER after it is released. Redaction Request due 4/27/2009. Redacted Transcript Deadline set for 5/7/2009. Release of Transcript Restriction set for 7/6/2009. (Scalfani, Deborah) (Entered: 04/09/2009)
04/09/2009	<a href="#">87</a>	NOTICE is hereby given that an official transcript of a proceeding has been filed by the court reporter in the above-captioned matter. Counsel are referred to the Court's Transcript Redaction Policy, a copy of which is attached to this entry.. (Scalfani, Deborah) (Entered: 04/09/2009)
04/17/2009	<a href="#">88</a>	ANSWER to <a href="#">41</a> Amended Complaint <i>And Affirmative Defenses</i> by MLB Productions, A & E, A & E/AETV, Bon Jovi, AEG Live, Boston Red Sox, Turner Broadcasting System, Inc., Mark Shimmel Music, Aggressive Music, Bon Jovi Publishing, Universal Polygram, Pretty Blue Songs, Time Warner Corporation, Jon Bongiovi, Richard Sambora, William Falcone, Major League Baseball.(Matule, Matthew) (Entered: 04/17/2009)
04/20/2009	<a href="#">89</a>	ANSWER to <a href="#">41</a> Amended Complaint by Kobalt Music Publishing America, Inc..(Cloherty, Daniel) (Entered: 04/20/2009)
05/13/2009		Judge Nathaniel M. Gorton: Electronic ORDER entered granting <a href="#">77</a> , <a href="#">81</a> Motion for Leave to File; Counsel using the Electronic Case Filing System should now file the document for which leave to file has been granted in accordance with the CM/ECF Administrative Procedures. Counsel must include - Leave to file granted on (date of order)- in the caption of the document. (Duong, Diep) (Entered: 05/13/2009)
05/18/2009	<a href="#">90</a>	REPLY to Response to <a href="#">48</a> MOTION to Dismiss <i>The Amended Complaint</i> filed by MLB Productions, A & E, A & E/AETV, Bon Jovi, Sony ATV Tunes, AEG Live, Boston Red Sox, Turner Broadcasting System, Inc., Mark Shimmel Music, Vector Management, Aggressive Music, Bon Jovi Publishing, Universal Music Publishing Group, Universal Polygram, Pretty Blue Songs, Time Warner Corporation, The Bigger Picture Cinema Co., Jon Bongiovi, Richard Sambora, William Falcone, Fox Television Networks, Major League Baseball. (Matule, Matthew) (Entered: 05/18/2009)
05/18/2009	<a href="#">91</a>	REPLY to Response to <a href="#">71</a> MOTION to Dismiss <i>The Amended Complaint</i> , <a href="#">52</a> MOTION to Dismiss <i>The Amended Complaint</i> filed by A & E/AETV, Sony

		ATV Tunes, AEG Live, Vector Management, Universal Music Publishing Group, Universal Polygram, The Bigger Picture Cinema Co., Fox Television Networks. (Matule, Matthew) (Entered: 05/18/2009)
06/10/2009	<a href="#">92</a>	MOTION for Summary Judgment <i>Dismissing The Copyright Infringement Claim</i> by MLB Productions, A & E, A & E/AETV, AEG Live, Boston Red Sox, Turner Broadcasting System, Inc., Mark Shimmel Music, Aggressive Music, Bon Jovi Publishing, Universal Polygram, Pretty Blue Songs, Time Warner Corporation, Jon Bongiovi, Richard Sambora, William Falcone, Major League Baseball.(Matule, Matthew) (Entered: 06/10/2009)
06/10/2009	<a href="#">93</a>	MEMORANDUM in Support re <a href="#">92</a> MOTION for Summary Judgment <i>Dismissing The Copyright Infringement Claim</i> filed by MLB Productions, A & E, A & E/AETV, AEG Live, Boston Red Sox, Turner Broadcasting System, Inc., Mark Shimmel Music, Aggressive Music, Bon Jovi Publishing, Universal Polygram, Pretty Blue Songs, Time Warner Corporation, Jon Bongiovi, Richard Sambora, William Falcone, Major League Baseball. (Matule, Matthew) (Entered: 06/10/2009)
06/10/2009	<a href="#">94</a>	DECLARATION re <a href="#">92</a> MOTION for Summary Judgment <i>Dismissing The Copyright Infringement Claim</i> by MLB Productions, A & E, A & E/AETV, AEG Live, Boston Red Sox, Turner Broadcasting System, Inc., Mark Shimmel Music, Aggressive Music, Bon Jovi Publishing, Universal Polygram, Pretty Blue Songs, Time Warner Corporation, Jon Bongiovi, Richard Sambora, William Falcone, Major League Baseball. (Attachments: # <a href="#">1</a> Exhibit 1, # <a href="#">2</a> Exhibit 2, # <a href="#">3</a> Exhibit 3, # <a href="#">4</a> Exhibit 4, # <a href="#">5</a> Exhibit 5, # <a href="#">6</a> Exhibit 6, # <a href="#">7</a> Exhibit 7, # <a href="#">8</a> Exhibit 8, # <a href="#">9</a> Exhibit 9, # <a href="#">10</a> Exhibit 10, # <a href="#">11</a> Exhibit 11, # <a href="#">12</a> Exhibit 12)(Brown, Scott) (Entered: 06/10/2009)
06/10/2009	<a href="#">95</a>	NOTICE OF MANUAL FILING by MLB Productions, A & E, A & E/AETV, AEG Live, Boston Red Sox, Turner Broadcasting System, Inc., Mark Shimmel Music, Bon Jovi Publishing, Pretty Blue Songs, Time Warner Corporation, Jon Bongiovi, Richard Sambora, William Falcone, Major League Baseball re <a href="#">92</a> MOTION for Summary Judgment <i>Dismissing The Copyright Infringement Claim</i> , <a href="#">94</a> Declaration, (Matule, Matthew). Modified on 6/15/2009: 2 CD and 1 DVD Rec'd (Duong, Diep). (Entered: 06/10/2009)
06/10/2009	<a href="#">96</a>	Statement of Material Facts L.R. 56.1 re <a href="#">92</a> MOTION for Summary Judgment <i>Dismissing The Copyright Infringement Claim</i> filed by A & E/AETV, AEG Live, Boston Red Sox, Turner Broadcasting System, Inc., Mark Shimmel Music, Aggressive Music, Bon Jovi Publishing, Universal Polygram, Pretty Blue Songs, Time Warner Corporation, Jon Bongiovi, Richard Sambora, William Falcone, Major League Baseball. (Matule, Matthew) (Entered: 06/10/2009)
06/22/2009	<a href="#">97</a>	MOTION To Reschedule August 12, 2009 Hearing On Dispositive Motions On Substantial Similarity Issue by MLB Productions, A & E, A & E/AETV, AEG Live, Boston Red Sox, Turner Broadcasting System, Inc., Mark Shimmel Music, Aggressive Music, Bon Jovi Publishing, Universal Polygram, Pretty Blue Songs, Time Warner Corporation, Jon Bongiovi, Richard Sambora, William Falcone, Major League Baseball.(Matule, Matthew) (Entered: 06/22/2009)

06/26/2009	<a href="#">98</a>	MOTION for Summary Judgment by Kobalt Music Publishing America, Inc.. (Auth, Amy) (Entered: 06/26/2009)
06/26/2009	<a href="#">99</a>	MEMORANDUM in Support re <a href="#">98</a> MOTION for Summary Judgment filed by Kobalt Music Publishing America, Inc.. (Auth, Amy) (Entered: 06/26/2009)
06/26/2009	<a href="#">100</a>	Statement of Material Facts L.R. 56.1 re <a href="#">98</a> MOTION for Summary Judgment filed by Kobalt Music Publishing America, Inc.. (Auth, Amy) (Entered: 06/26/2009)
07/17/2009	<a href="#">101</a>	MEMORANDUM in Opposition re <a href="#">92</a> MOTION for Summary Judgment <i>Dismissing The Copyright Infringement Claim</i> , <a href="#">98</a> MOTION for Summary Judgment filed by Samuel Bartley Steele. (Attachments: # <a href="#">1</a> Exhibit A1, # <a href="#">2</a> Exhibit A2, # <a href="#">3</a> Exhibit A3, # <a href="#">4</a> Exhibit B1, # <a href="#">5</a> Exhibit B2, # <a href="#">6</a> Exhibit B3-6, # <a href="#">7</a> Exhibit C1-9, # <a href="#">8</a> Exhibit D1-6, # <a href="#">9</a> Exhibit E, # <a href="#">10</a> Exhibit F1-3)(Duong, Diep) (Entered: 07/21/2009)
07/29/2009	<a href="#">102</a>	MOTION for Leave to File <i>Reply Memorandum Of Law In Further Support Of Their Motion For Summary Judgment Dismissing The Copyright Infringement Claim</i> by MLB Productions, A & E, A & E/AETV, AEG Live, Boston Red Sox, Turner Broadcasting System, Inc., Mark Shimmel Music, Aggressive Music, Bon Jovi Publishing, Universal Polygram, Pretty Blue Songs, Time Warner Corporation, Jon Bongiovi, Richard Sambora, William Falcone, Major League Baseball. (Attachments: # <a href="#">1</a> Exhibit A)(Matule, Matthew) (Entered: 07/29/2009)
07/30/2009		Judge Nathaniel M. Gorton: Electronic ORDER entered granting <a href="#">97</a> Motion to continue. (Nicewicz, Craig) (Entered: 07/30/2009)
07/30/2009		ELECTRONIC NOTICE of Hearing on Motion <a href="#">98</a> MOTION for Summary Judgment, <a href="#">92</a> MOTION for Summary Judgment <i>Dismissing The Copyright Infringement Claim</i> : Motion Hearing reset for 9/10/2009 03:30 PM in Courtroom 4 before Judge Nathaniel M. Gorton. (Nicewicz, Craig) (Entered: 07/30/2009)
07/30/2009		Judge Nathaniel M. Gorton: Electronic ORDER entered granting <a href="#">102</a> Motion for Leave to File; Counsel using the Electronic Case Filing System should now file the document for which leave to file has been granted in accordance with the CM/ECF Administrative Procedures. Counsel must include - Leave to file granted on (date of order)- in the caption of the document. (Nicewicz, Craig) (Entered: 07/30/2009)
07/30/2009	<a href="#">103</a>	REPLY to Response to <a href="#">92</a> MOTION for Summary Judgment <i>Dismissing The Copyright Infringement Claim</i> filed by MLB Productions, A & E, A & E/AETV, AEG Live, Boston Red Sox, Turner Broadcasting System, Inc., Mark Shimmel Music, Aggressive Music, Bon Jovi Publishing, Universal Polygram, Pretty Blue Songs, Time Warner Corporation, Jon Bongiovi, Richard Sambora, William Falcone, Major League Baseball. (Attachments: # <a href="#">1</a> Exhibit A)(Matule, Matthew) (Entered: 07/30/2009)
08/19/2009	<a href="#">104</a>	Judge Nathaniel M. Gorton: ORDER entered. MEMORANDUM AND ORDER "In accordance with the foregoing, the defendants motions for

		summary judgment (Docket Nos. <a href="#">92</a> and <a href="#">98</a> ) are ALLOWED." (Duong, Diep) (Entered: 08/20/2009)
08/19/2009	<a href="#">105</a>	Judge Nathaniel M. Gorton: ORDER entered. JUDGMENT in favor of defendants against plaintiff(Duong, Diep) (Entered: 08/20/2009)
08/20/2009		DOCKET Nos. <a href="#">104</a> and <a href="#">105</a> sent to Plaintiff (Duong, Diep) (Entered: 08/20/2009)
08/28/2009	<a href="#">106</a>	MOTION for Reconsideration re <a href="#">104</a> Memorandum & ORDER by Samuel Bartley Steele. (Attachments: # <a href="#">1</a> Brief)(Duong, Diep) (Entered: 08/31/2009)
09/02/2009	<a href="#">107</a>	MEMORANDUM in Opposition re <a href="#">106</a> MOTION for Reconsideration re <a href="#">104</a> Memorandum & ORDER filed by MLB Productions, A & E, A & E/AETV, AEG Live, Boston Red Sox, Turner Broadcasting System, Inc., Mark Shimmel Music, Aggressive Music, Bon Jovi Publishing, Universal Polygram, Pretty Blue Songs, Time Warner Corporation, Jon Bongiovi, Richard Sambora, William Falcone, Major League Baseball. (Attachments: # <a href="#">1</a> Exhibit A)(Matule, Matthew) (Entered: 09/02/2009)
09/03/2009	<a href="#">108</a>	Opposition re <a href="#">106</a> MOTION for Reconsideration re <a href="#">104</a> Memorandum & ORDER filed by Kobalt Music Publishing America, Inc.. (Auth, Amy) (Entered: 09/03/2009)
09/15/2009	<a href="#">109</a>	AFFIDAVIT of Steele by Samuel Bartley Steele. (Duong, Diep) (Entered: 09/16/2009)
10/13/2009	<a href="#">110</a>	Judge Nathaniel M. Gorton: ORDER entered. MEMORANDUM AND ORDER "In accordance with the foregoing, the plaintiff's motion for reconsideration (Docket No. <a href="#">106</a> ) is DENIED." Copy mailed to plaintiff (Duong, Diep) (Entered: 10/13/2009)
11/06/2009	<a href="#">111</a>	NOTICE of Appearance by Christopher A.D. Hunt on behalf of Samuel Bartley Steele (Hunt, Christopher) (Entered: 11/06/2009)
11/06/2009	<a href="#">112</a>	NOTICE OF APPEAL as to <a href="#">85</a> <a href="#">104</a> <a href="#">110</a> by Samuel Bartley Steele NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at <a href="http://www.ca1.uscourts.gov/clerks/transcript.htm">http://www.ca1.uscourts.gov/clerks/transcript.htm</a> MUST be completed and submitted to the Court of Appeals. Appeal Record due by 11/27/2009. (Hunt, Christopher) (Entered: 11/06/2009)
11/06/2009	<a href="#">113</a>	MOTION for Leave to Appeal in forma pauperis by Samuel Bartley Steele. (Hunt, Christopher) (Duong, Diep). (Entered: 11/06/2009)
11/06/2009	<a href="#">114</a>	TRANSCRIPT ORDER FORM by Samuel Bartley Steele (Hunt, Christopher) (Entered: 11/06/2009)
11/12/2009	<a href="#">115</a>	AFFIDAVIT of Samuel Bartley Steele in Support re <a href="#">113</a> MOTION for Leave to Appeal in forma pauperis (Duong, Diep) (Entered: 11/12/2009)
11/12/2009		Judge Nathaniel M. Gorton: Electronic ORDER entered granting <a href="#">113</a> Motion for Leave to Appeal in forma pauperis (Duong, Diep) (Entered: 11/12/2009)
11/17/2009	<a href="#">116</a>	Certified and Transmitted Abbreviated Electronic Record on Appeal to US



		Court of Appeals re <a href="#">112</a> Notice of Appeal, (Ramos, Jeanette) (Entered: 11/17/2009)
11/17/2009		USCA Case Number 09-2571 for <a href="#">112</a> Notice of Appeal, filed by Samuel Bartley Steele. (Ramos, Jeanette) (Entered: 11/17/2009)
04/22/2010	<a href="#">117</a>	Supplemental Record on Appeal transmitted to US Court of Appeals re <a href="#">112</a> Notice of Appeal, Documents included: #95 & Exhibits G plus (9) CD's (Ramos, Jeanette) (Entered: 04/22/2010)
06/18/2010	<a href="#">118</a>	MOTION for Entry of Default <i>as to Major League Baseball Advanced Media, L.P.</i> by Samuel Bartley Steele.(Hunt, Christopher) (Entered: 06/18/2010)
06/18/2010	<a href="#">119</a>	MEMORANDUM in Support re <a href="#">118</a> MOTION for Entry of Default <i>as to Major League Baseball Advanced Media, L.P.</i> filed by Samuel Bartley Steele. (Attachments: # <a href="#">1</a> Exhibit, # <a href="#">2</a> Exhibit, # <a href="#">3</a> Exhibit, # <a href="#">4</a> Exhibit, # <a href="#">5</a> Exhibit, # <a href="#">6</a> Exhibit, # <a href="#">7</a> Exhibit, # <a href="#">8</a> Exhibit, # <a href="#">9</a> Exhibit, # <a href="#">10</a> Exhibit, # <a href="#">11</a> Exhibit, # <a href="#">12</a> Exhibit, # <a href="#">13</a> Exhibit)(Hunt, Christopher) (Entered: 06/18/2010)
06/30/2010	<a href="#">120</a>	Opposition re <a href="#">118</a> MOTION for Entry of Default <i>as to Major League Baseball Advanced Media, L.P.</i> filed by MLB Productions, A & E, Major League Baseball. (Matule, Matthew) (Entered: 06/30/2010)
06/30/2010	<a href="#">121</a>	DECLARATION re <a href="#">120</a> Opposition to Motion <i>For Entry Of Default Against MLB Advanced Media, L.P.</i> by MLB Productions, A & E, Major League Baseball. (Attachments: # <a href="#">1</a> Exhibit A, # <a href="#">2</a> Exhibit B)(Clark, Christopher) (Entered: 06/30/2010)
06/30/2010	<a href="#">122</a>	DECLARATION re <a href="#">120</a> Opposition to Motion <i>Of Ethan Orlinsky In Support Of Defendant Major League Baseball Properties, Inc.'s Opposition To Plaintiffs' Rule 55(A) Motion For Entry Of Default Against MLB Advanced Media, L.P.</i> by MLB Productions, A & E, Major League Baseball. (Matule, Matthew) (Entered: 06/30/2010)
07/08/2010	<a href="#">123</a>	MOTION for Leave to File <i>Reply to MLB's Opposition to Steele's Motion for Default as to MLBAM</i> by Samuel Bartley Steele. (Attachments: # <a href="#">1</a> Exhibit STEELE'S PROPOSED REPLY TO MLB'S OPPOSITION TO STEELE'S MOTION FOR DEFAULT AS TO MLBAM, # <a href="#">2</a> Exhibit EXHIBITS 1-4, # <a href="#">3</a> Exhibit EXHIBITS 5-10, # <a href="#">4</a> Exhibit EXHIBITS 11-16)(Hunt, Christopher) (Entered: 07/08/2010)
07/26/2010		Judge Nathaniel M. Gorton: ELECTRONIC ORDER entered granting <a href="#">123</a> Motion for Leave to File Document ; Counsel using the Electronic Case Filing System should now file the document for which leave to file has been granted in accordance with the CM/ECF Administrative Procedures. Counsel must include - Leave to file granted on (date of order)- in the caption of the document. (Nicewicz, Craig) (Entered: 07/26/2010)
07/26/2010	<a href="#">124</a>	REPLY to Response to <a href="#">118</a> MOTION for Entry of Default <i>as to Major League Baseball Advanced Media, L.P.</i> filed by Samuel Bartley Steele. (Attachments: # <a href="#">1</a> Exhibit Exhibits 1-4, # <a href="#">2</a> Exhibit Exhibits 5-10, # <a href="#">3</a> Exhibit Exhibits 11-16)(Hunt, Christopher) (Entered: 07/26/2010)

<b>PACER Service Center</b>			
<b>Transaction Receipt</b>			
08/12/2010 11:08:11			
<b>PACER Login:</b>	th8426	<b>Client Code:</b>	steele
<b>Description:</b>	Docket Report	<b>Search Criteria:</b>	1:08-cv-11727-NMG
<b>Billable Pages:</b>	19	<b>Cost:</b>	1.52

# EXHIBIT E

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

----- X  
SAMUEL BARTLEY STEELE :  
and BART STEELE PUBLISHING, :  
:   
Plaintiffs, : Civil Action  
v. : No. 08-11727-NMG  
:   
TURNER BROADCASTING SYSTEM, INC., :  
TIME WARNER CORPORATION, :  
JON BONGIOVI, RICHARD SAMBORA, :  
WILLIAM FALCONE, THE AMERICAN :  
SOCIETY OF COMPOSERS, AUTHORS :  
AND PUBLISHERS, FOX TELEVISION :  
NETWORKS, MAJOR LEAGUE :  
BASEBALL/MLB PRODUCTIONS, :  
A&E/AETV, BON JOVI, AEG LIVE, :  
MARK SHIMMEL MUSIC, VECTOR :  
MANAGEMENT, ISLAND :  
RECORDS/ISLAND DEF JAM RECORDS, :  
AGGRESSIVE MUSIC/SONY ATV TUNES, :  
BON JOVI PUBLISHING, UNIVERSAL :  
MUSIC PUBLISHING GROUP, UNIVERSAL :  
POLYGRAM, PRETTY BLUE SONGS and :  
THE BIGGER PICTURE CINEMA CO., :  
Defendants. :  
----- X

**NOTICE OF APPEARANCE**

Please enter my appearance as counsel of record for Defendants (i) Time Warner Inc. (misidentified in the Complaint as "Time Warner Corporation"), (ii) John Bongiovi (misidentified in the Complaint as "Jon Bongiovi"), (iii) Richard Sambora, (iv) William Falcone, (v) Major League Baseball Properties, Inc. (misidentified in the Complaint as "Major League Baseball/MLB Productions"), (vi) A&E Television Networks (misidentified in the Complaint as "A&E/AETV"), (vii) Bon Jovi (which is a United States Federal trademark, not a legal entity), (viii) AEG Live LLC (misidentified in the Complaint as "AEG Live"), (ix) Vector 2 LLC

(misidentified in the Complaint as "Vector Management"), (x) Aggressive Music (a d/b/a of Defendant Richard Sambora), (xi) Bon Jovi Publishing (a d/b/a of Defendant John Bongiovi), and (xii) Pretty Blue Songs (a d/b/a of Defendant William Falcone) in the above-captioned action.

Dated: December 8, 2008  
Boston, Massachusetts

Respectfully submitted,

Of Counsel:

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

/s/ Scott D. Brown  
Matthew J. Matule (BBO #632075)  
Scott D. Brown (BBO #662965)  
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Clifford M. Sloan  
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Washington, D.C. 20005  
(202) 371-7000

Counsel for named Defendants  
Time Warner Inc., John Bongiovi, Richard Sambora, William Falcone, Major League Baseball Properties, Inc., A&E Television Networks, Bon Jovi, AEG Live LLC, Vector 2 LLC, Aggressive Music, Bon Jovi Publishing, and Pretty Blue Songs

**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 December 8, 2008.

Dated: December 8, 2008

/s/ Scott D. Brown  
Scott D. Brown

## EXHIBIT F



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 Division of Business Services  
 312 Rosa L. Parks Avenue  
 6th Floor, William R. Snodgrass Tower  
 Nashville, TN 37243

## Filing Information

Name: VECTOR TWO, LLC

### General Information

Control # :	451334	Formation Locale:	Delaware
Filing Type:	Limited Liability Company - Foreign	Date Formed:	05/23/2003
Filing Date:	08/01/2003 12:33 PM	Fiscal Year Close	12
Status:	Active	Member Count:	2
Duration Term:	Perpetual		
Managed By:	Member Managed		

Registered Agent Address  
 Corporation Service Company  
 2908 Poston Avenue  
 Nashville, TN 37203 USA

Principal Address  
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 STE 620  
 NASHVILLE, TN 37203 USA

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04/21/2010	Registered Agent Change (by Entity)	6711-1075
	Registered Agent # Changed From: 0322137 To: 0338616	
	Registered Agent First Name Changed From: KEN To: No Value	
	Registered Agent Last Name Changed From: LEVITAN To: No Value	
	Registered Agent Organization Name Changed From: No Value To: Corporation Service Company	
	Registered Agent Physical Address 1 Changed From: 1607 17TH AVE S To: 2908 Poston Avenue	
	Registered Agent Physical Postal Code Changed From: 37212 To: 37203	
03/10/2010	2009 Annual Report	6672-0157
04/07/2009	2008 Annual Report	6512-0996
04/15/2008	2007 Annual Report	6297-0159
02/23/2007	2006 Annual Report	5962-1429
02/02/2006	2005 Annual Report	5675-1461
	Principal Address Changed	
04/12/2005	2004 Annual Report	5430-1847
	Mail Address Changed	
02/24/2004	2003 Annual Report	5046-1536

## Filing Information

Name: VECTOR TWO, LLC

---

Principal Address Changed

08/01/2003 Initial Filing

4869-2039

Active Assumed Names (if any)

---

Date

Expires





## EXHIBIT G

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

----- X  
 SAMUEL BARTLEY STEELE :  
 and BART STEELE PUBLISHING, :  
 :  
 Plaintiffs, : Civil Action  
 v. : No. 08-11727-NMG

TURNER BROADCASTING SYSTEM, INC., :  
 TIME WARNER CORPORATION, :  
 JON BONGIOVI, RICHARD SAMBORA, :  
 WILLIAM FALCONE, THE AMERICAN :  
 SOCIETY OF COMPOSERS, AUTHORS :  
 AND PUBLISHERS, FOX TELEVISION :  
 NETWORKS, MAJOR LEAGUE :  
 BASEBALL/MLB PRODUCTIONS, :  
 A&E/AETV, BON JOVI, AEG LIVE, :  
 MARK SHIMMEL MUSIC, VECTOR :  
 MANAGEMENT, ISLAND :  
 RECORDS/ISLAND DEF JAM RECORDS, :  
 AGGRESSIVE MUSIC/SONY ATV TUNES, :  
 BON JOVI PUBLISHING, UNIVERSAL :  
 MUSIC PUBLISHING GROUP, UNIVERSAL :  
 POLYGRAM, PRETTY BLUE SONGS and :  
 THE BIGGER PICTURE CINEMA CO., :  
 Defendants. :

----- X

**DEFENDANT VECTOR 2 LLC'S  
CORPORATE DISCLOSURE STATEMENT**

Pursuant to Fed. R. Civ. P. 7.1 and Local Rule 7.3, Defendant Vector 2 LLC

makes the following corporate disclosure statement:

Vector 2 LLC is a limited liability company organized under the laws of the State of Delaware and is a wholly owned subsidiary of Vector Management LLC, which is 50% owned by Front Line Management Group Inc., which is 75% owned by Ticketmaster Entertainment Inc.

Dated: December 8, 2008  
Boston, Massachusetts

Respectfully submitted,

Of Counsel:

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

/s/ Matthew J. Matule  
Matthew J. Matule (BBO #632075)  
Scott D. Brown (BBO #662965)  
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One Beacon Street  
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Clifford M. Sloan  
SKADDEN, ARPS, SLATE,  
MEAGHER & FLOM LLP  
1440 New York Avenue, N.W.  
Washington, D.C. 20005  
(202) 371-7000

Counsel for Defendant  
Vector 2 LLC

**CERTIFICATE OF SERVICE**

I, Matthew J. Matule, 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 December 8, 2008.

Dated: December 8, 2008

/s/ Matthew J. Matule  
Matthew J. Matule

## EXHIBIT H



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 Tre Hargett, Secretary of State  
 Division of Business Services  
 312 Rosa L. Parks Avenue  
 6th Floor, William R. Snodgrass Tower  
 Nashville, TN 37243

### Filing Information

Name: Vector Management, LLC

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Control # :	616553	Formation Locale:	Delaware
Filing Type:	Limited Liability Company - Foreign	Date Formed:	02/26/2008
Filing Date:	10/29/2009 11:29 AM	Fiscal Year Close	12
Status:	Active	Member Count:	3
Duration Term:	Perpetual		
Managed By:	Member Managed		

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 Corporation Service Company  
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 Nashville, TN 37203 USA

Principal Address  
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03/10/2010	2009 Annual Report Member Count Changed From: 1 To: 3	6672-0159
10/29/2009	Initial Filing	6618-0712

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Entity Details

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**File Number:** 4496296 **Incorporation Date:** 01/28/2008  
**/ Formation Date:** (mm/dd/yyyy)

**Entity Name:** VECTOR MANAGEMENT LLC

**Entity Kind:** LIMITED LIABILITY COMPANY (LLC) **Entity Type:** GENERAL

**Residency:** DOMESTIC **State:** DE

**REGISTERED AGENT INFORMATION**

**Name:** CORPORATION SERVICE COMPANY

**Address:** 2711 CENTERVILLE ROAD SUITE 400

**City:** WILMINGTON **County:** NEW CASTLE

**State:** DE **Postal Code:** 19808

**Phone:** (302)636-5401

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# EXHIBIT I





## Making The Brand

MICHAEL PAOLETTA mpaoletta@billboard.com

# Turning Bands Into Brands

Ad Agency Deutsch Plays Major Role In Campaign For New Bon Jovi Album

**B**ack in the halcyon days of the Mitsubishi TV spots, ad agency Deutsch was known for matching beats to visuals to help sell product to consumers—injecting entertainment value into the marketing machine in the process.

Today, Deutsch is reversing the formula—adding marketing smarts into the world of music—thanks to a video it recently created for Bon Jovi's new single, "Have a Nice Day."

Deutsch managing partner/executive creative director Eric Hirshberg calls this concept "a new model for ad agencies and the music industry."

The vibrant video centers around what Hirshberg calls a "pissed-off smiley face," which takes on a life of its own. In the course of the video, the sly happy face goes from appearing on a Samsung mobile phone (a TV spot offshoot, perhaps?) to being plastered upon unsuspecting New Yorkers. In the end, the happy face gone awry can be seen as a crop circle.

But that will not be the end of "the face." It is part of a larger Bon Jovi campaign—paid for by Bon Jovi and its record label, Island. It will be featured on the cover of Bon Jovi's new album, "Have a Nice Day" (due Sept. 20), on tour merchandise (including T-shirts) and in retail store displays.

Vector Recordings and Vector Management co-founder Jack Rovner, who is working with

Bon Jovi Management on this project, was instrumental in making this partnership happen. "He liked the work we did with Mitsubishi, and we worked together on a Revlon spot a couple years ago," Hirshberg says. "Jack knows my creative sensibilities."

In treating this Bon Jovi project like an ad campaign, Hirshberg and his Deutsch colleagues are approaching the band as a brand. Do not be surprised if, with the help of the happy face, the band manages to reinvent and brand itself in a bigger way by tapping into and connecting with the almighty, much-coveted youth market—while not losing sight of its longtime fans.

What is particularly exciting about this unprecedented concept is that Deutsch is getting fans to celebrate the band and the brand, says Joseph Jaffe, president of Jaffe, a new-marketing consulting practice in Westport, Conn., and the author of "Life After the 30-Second Spot."

"Ad agencies are solution providers. They solve clients' problems," Jaffe says. "Deutsch is using new marketing to reach new consumers."

Deutsch is doing so at a time when the traditional ways to reach people are being challenged (by commercial-skipping TiVo, for example). So, marketing messages must be worked into larger forms of entertainment, thus blurring the lines between marketing and entertainment, Hirsh-

berg says. "This video strengthens that principle."

The implications for the ad agency and music industries at large could be huge. If Deutsch nails this—that is, if the Bon Jovi video and its accompanying happy face platforms are a success (the video is expected to debut on VH1's "Top 20 Video Countdown" in the next couple of weeks)—the ad agency will have opened up a

new market.

"Any band—brand—could then go to an agency and have it produce a fully integrated campaign for them," Jaffe says. "It would offer new revenue streams for agencies. It would also validate the power and importance of long-form content."

How this could affect record-label campaigns (publicity, promotion and marketing) remains to be seen. Stay tuned.

**MILK MOUSTACHE:** Joss Stone—no stranger to branded entertainment (think Gap)—is the latest artist to appear in the Got Milk? campaign. Lensed by Annie Leibowitz, the print ad debuts in the October issue of Teen People, out Sept. 2. ....



JON BON JOVI will see his group's 'smiley face' album art, left, used in a multimedia branding campaign.



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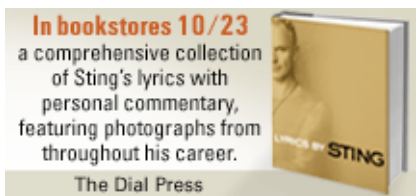
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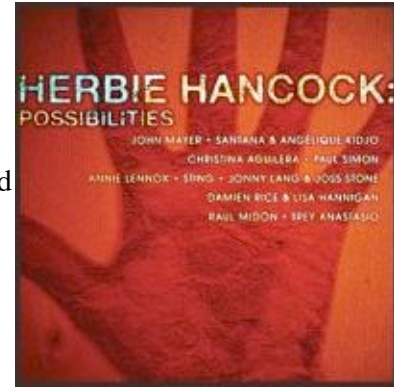
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# 08.30.05 Sting guests on Herbie Hancock Album, 'Possibilities'

## Album released August 30

Herbie Hancock has remained seminal and innovative through four decades of music making, having won ten GRAMMY® Awards, an Academy Award and countless other accolades for his various and influential work. The diverse lineup of artists who accepted Hancock's invitation to create and record music with him for his forthcoming duets album, Possibilities, is a testament to the breadth and magnitude of his impact. The genesis of the album was Hancock's vision of collaborating in studio to create music with some of the artists he most admires. The final list of collaborators is a



diverse group of world renowned musicians who represent genres of music well beyond the world of jazz, including: John Mayer, Damien Rice and Lisa Hannigan, Sting, Annie Lennox, Joss Stone and Johnny Lang, Paul Simon, Raul Midón, Carlos Santana and Angelique Kidjo, Christina Aguilera and Trey Anastasio. Possibilities will be released simultaneously at Starbucks Company-operated locations and traditional retail stores by Hancock Music, Vector Recordings and Starbucks Hear Music beginning August 30, 2005.

Herbie Hancock describes Possibilities this way: "This is real collaboration that we're doing here. It's all been decided at the session," and calls the album, "a record without borders, woven like a tapestry with many colors." John Mayer came to his session with a simple guitar phrase from which he and Hancock created a fully arranged song, replete with lyrics and a rhythm section of drums, bass and keyboards. Sting and Hancock freshly reinterpret Sting's song 'Sister Moon', from the album 'Nothing Like the Sun'.

As with the multi-platinum, eight GRAMMY®-winning Ray Charles' Genius Loves Company, Starbucks will participate in all facets of the project's lifecycle - from facilitating production to distribution and marketing of the album, which will be sold in traditional retail outlets as well as at Starbucks locations.

"We have always admired the enormous talents of Herbie Hancock," said Vector principal Ken Levitan. "When Jack Rovner and I first learned that we might be able to work with Herbie, we immediately jumped at the opportunity. And for the relationship to begin with a project as exciting as Possibilities is more than we could have hoped for. There are very few artists whose contribution to music has been as substantial and original as Herbie Hancock's. It is a great privilege to be undertaking this project with him."

"We are honored to be working with Herbie Hancock and the unprecedented array of talented artists he has assembled to create this truly special event album," said Ken Lombard, president, Starbucks Entertainment. "Following the success of Ray Charles' Genius Loves Company, Possibilities reflects our ongoing commitment to working with innovative artists and labels to create unique projects which we believe our customers will embrace."

The newly formed Herbie Hancock's Headhunters '05 just performed their first live shows together, including this year's Bonnaroo Music & Arts Festival in Manchester, TN, where Hancock will had the honor of being the festival's first Artist in Residence, performing with other artists and bands in the festival lineup. Herbie Hancock's Headhunters '05 features an all-star lineup of musicians, including Hancock (piano), John Mayer (guitar), Marcus Miller (bass), Roy Hargrove (trumpet), Kenny Garrett (saxophone), Munyungo Jackson (percussion), Lionel Loueke (guitar), and Terri Lynn Carrington (drums).

### About Vector

Led by executives Ken Levitan and Jack Rovner, Vector Recordings has quickly become one of the most formidable organizations in music today, releasing acclaimed albums by artists such as Damien Rice, Queen Latifah and Joseph Arthur. Levitan founded Vector Management in 1986. Vector Recordings was formed in





2002 when he and Rovner - who had served as President of RCA and previously served stints at Columbia and Arista - combined their collective experiences, solidifying a label and management partnership. With offices in New York, Nashville and Los Angeles, Vector is comprised of individuals with a diversity of music business backgrounds, making for a team that can contribute to all aspects of its artists' careers.

### About Starbucks Hear Music

Founded in 1990, and acquired by Starbucks Coffee Company in 1999, Starbucks Hear Music is the voice of music at Starbucks. Starbucks Hear Music is dedicated to creating a new and convenient way for consumers to discover, experience and acquire all genres of great music through its CD compilations and music programming for Starbucks coffeehouses worldwide, as well as its innovative partnerships with other music labels to produce, market and distribute both exclusive and non-exclusive music. In 2004, Starbucks Hear Music launched a 24-hour digital music channel with XM Satellite Radio (XM Channel 75), the Starbucks Hear Music Coffeehouse in Santa Monica where customers can select from over 15,000 CDs or burn their own custom mixes, and the Starbucks Hear Music - media bars, a service that offers custom CD burning at select Starbucks retail locations in Seattle and Austin. Starbucks Hear Music CDs are featured at Hear Music and Starbucks retail locations, as well as online at <http://www.starbucks.com/hearmusic>.

### About Starbucks Coffee Company

Starbucks Corporation is the leading retailer, roaster and brand of specialty coffee in the world, with more than 9,000 retail locations in North America, Latin America, Europe, the Middle East and the Pacific Rim. The Company is committed to offering the highest quality coffee and the Starbucks Experience while conducting its business in ways that produce social, environmental and economic benefits for communities in which it does business. In addition to its retail operations, the Company produces and sells bottled Frappuccino® coffee drinks, Starbucks DoubleShot coffee drink, and a line of superpremium ice creams through its joint venture partnerships. The Company's brand portfolio provides a wide variety of consumer products. Tazo Tea's line of innovative premium teas and Hear Music's exceptional compact discs enhance the Starbucks Experience through best-of-class products. The Seattle's Best Coffee® and Torrefazione Italia® Coffee brands enable Starbucks to appeal to a broader consumer base by offering an alternative variety of coffee flavor profiles.

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## Details Emerge On Vector

By Troy Carpenter, N.Y.

Publication: [Billboard Bulletin](#)

Date: Thursday, May 29 2003

You are viewing page 1

Nashville-based [manager](#) Ken Levitan yesterday revealed to Bulletin details about Vector Recordings, the new WEA-distributed label he runs with former RCA president Jack Rovner (Bulletin, May 28). The two are partners in the label, which has offices in Nashville and will open in New York soon.

Vector Recordings will work in tandem with Levitan's

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Nashville-based Vector Management, in which Rovner is also a principal, and Vector Promotions, the independent promotion company headed by label vet Chris Stacey.

The Nashville [office](#) of Vector Recordings has "20-plus" staffers at this point, Levitan says, including former Rising Tide Nashville sales and marketing VP Joel Hoffner. Some Vector Management employees will work with the label, doing "dual business"; likewise, Vector Promotions will handle the label's promotion activities.

Levitan describes the label's arrangement with WEA as a "hybrid deal." Most releases, such as Damien Rice's "O," due June 10, will go directly through WEA, but certain projects will get supplemental marketing support from Warner Bros. Records, he says. Rice is currently the only

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**ASCAP Action**

**MCDONALD HONORED BY WORLD HUNGER YEAR**

**Michael McDonald receives the ASCAP Harry Chapin Humanitarian Award**

World Hunger Year celebrated its 30th Anniversary by honoring those who have made a difference in the fight against hunger and poverty at the Chelsea Piers in New York City on June 6. The event, hosted by WHY Chair and singer/songwriter Jen Chapin (daughter of the late Harry Chapin), honored Multi-Grammy Award-winning songwriter and recording artist Michael McDonald, as well as Ed Barron, Dan Glickman, Peter Mann and Catherine Sneed.



Pictured at the WHY Awards presentation at Chelsea Piers in Manhattan are (l-r) ASCAP's Karen Sherry, Nickolas Ashford, Valerie Simpson, NARAS NY Prez Carlos Alomar, ASCAP Harry Chapin Humanitarian recipient Michael McDonald, ASCAP's Loretta Muñoz and Vector Management's Joel Hoffner.

Singer/songwriters Nickolas Ashford and Valerie Simpson presented the ASCAP Harry Chapin Humanitarian Award to McDonald and then joined him onstage for an exciting live performance. World Hunger Year is a non-profit organization co-founded by the late singer-songwriter Harry Chapin and radio talk show host and present Executive Director Bill Ayres in 1975. WHY attacks the root causes of hunger and poverty by promoting effective and innovative community-based solutions that create self-reliance, economic justice and food security.



McDonald performing on stage with Valerie Simpson and Nickolas Ashford.

Past recipients of the ASCAP Harry Chapin Humanitarian Award include Kenny Rogers, Peter, Paul and Mary, Barbra Streisand, Harry Belafonte, Judy Collins and Emmylou Harris.

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# ENTERTAINMENT

## Commercials raise musicians' profiles

advertisement

### Who needs radio? Ads provide big boost

Thursday, November 6, 2003 Posted: 9:59 AM EST (1459 GMT)

**LOS ANGELES, California (Hollywood Reporter) -- Musician and songwriter Michael McDonald has had a long and successful career as a solo artist and member of the Doobie Brothers. But sales and visibility of his latest album, "Motown," have been helped along more by an MCI commercial than by traditional radio airplay.**



Michael McDonald

The silver-haired crooner with the soulful voice is featured in a current TV campaign that promotes MCI's Neighborhood calling plan but looks like a music video, creating a win-win situation for both parties, observers said.

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The deal illustrates how managers and label executives are finding new and creative ways to promote albums amidst a global slump in recorded music sales. But it also signals a growing interest by marketers to use entertainment to brand themselves and stand out.

"The media weight of an MCI is much more than a label could give Michael McDonald," said Joel Hoffner of Nashville-based Vector Management, which represents McDonald. "That's really the cornerstone of the marketing plan."

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Michael McDonald

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Sales have also been spurred by McDonald being featured on TV shopping channel QVC last month. McDonald did two specially taped segments for the country's top shopping channel from Chicago, where he was doing a concert, and created an exclusive bonus album for shoppers who buy "Motown" on QVC.

There was label-sponsored TV advertising at the launch of the album in June, and "Motown" did well at release. But radio was a tough nut to crack outside of McDonald's core domain of smooth jazz and adult contemporary stations, and the album fell off the sales charts after several weeks.

After the first MCI spot broke September 8, though, interest in the album saw an immediate uptick. As of this week, "Motown" stands at No. 33 on the Billboard 200, up from No. 37 the previous week.

"When you take a voice and a personality like Michael McDonald's and you put it on television, it reintroduced Mike to a lot of people and introduced him to others for the first time," Hoffner said.

**'This is what I want for my artist'**

The spots using the songs "Ain't No Mountain High Enough" and "Ain't Nothing Like the Real Thing" feature McDonald performing and talking about staying in touch with his daughter while on the road. His name and the name of his album are tagged in the corner of the screen for part of the commercial, similar to the way music videos are credited on Viacom Inc.'s VH1 and MTV cable networks.

Team McDonald weren't the only ones to appreciate the success of the campaign. Kevin McKiernan of Creative License, the music licensing firm that helped put the two sides together along with MCI's ad agency, said his phone has been ringing off the hook.

"We've been inundated with calls from the record companies since this happened," McKiernan said. "I have top executives calling me saying, 'This is what I want for my artist.' It increased record sales over 200 percent."

Many labels and managers these days are willing to do deals that don't provide an enormous amount of compensation up front if they feel that the arrangement will result in a significant increase in sales and give a music release legs.

Although McKiernan declined to discuss specifics of the McDonald deal, he stresses that the MCI spots are essentially free advertising for "Motown."

McDonald joins such superstar artists as Madonna, Celine Dion and Sting among performers who have appeared in recent TV ad campaigns. Some companies, notably Dr Pepper this year and last, are also using younger artists like Black Eyed Peas and Thalia to reach different demographics and use entertainment to brand themselves.

"Music can be segmented really specifically to reach consumers," said Aaron Walton, president of music marketing and management firm Aaron Walton Entertainment. "We may disagree on the kind of music that we like, but we all love music."

Walton was a key player in putting together Led Zeppelin with Cadillac for the carmaker's long-running campaign using the group's song "Rock & Roll." He said the success of these partnerships lies in satisfying the needs of both sides.

Mitch Litvak, president of entertainment marketing consultancy the L.A. Office, said he has also seen an explosion of interest on the part of both consumer brands and the music business in joining forces.

"There is definitely more willingness on the part of the industry to work with corporate America, and we've seen a huge growth in interest on the part of corporate America in tying into music," he said. "With a movie promotion, you may get a month's bump from a successful film. Music can really extend the feel and the essence of a brand for a longer length of time."

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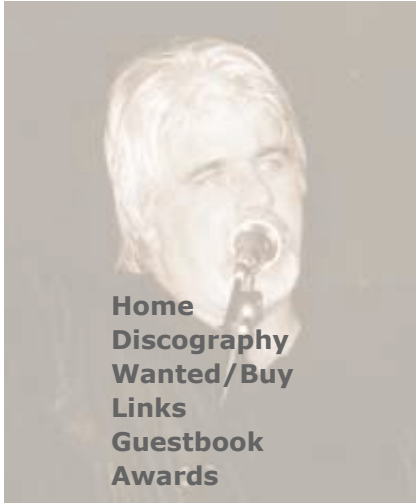
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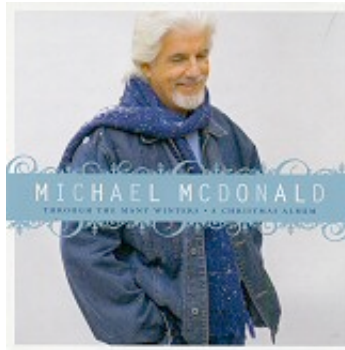


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If a track is a link, you can listen to a 30 sec. sample in RealAudio. Surf to [Real.com](http://Real.com) to download the free player.

## 2005

# Through The Many Winters A Christmas Album



1. Silent Night
2. O Holy Night
3. Come, O Come Emanuel / What Month Was Jesus Born
4. Deck The Halls / Jingle Bells
5. O Tannenbaum
6. Wexford Carol
7. God Rest Ye Merry Gentlemen
8. Through The Many Winters
9. Christmas On The Bayou
10. Auld Lang Syne / O Tannenbaum (reprise)



## Album notes:

### **1. Silent Night** (4:48)

(Traditional) ARR. of TRAD. song by Michael McDonald

**Vocals:** Michael McDonald

**Acoustic Guitar:** Michael McDonald

**Synthesizer:** Pat Coil

**Strings:** Conni Ellisor / Anthony La Marchina

**String Arrangements:** Pat Coil

**Guitar Adaptation:** Michael McDonald

### **2. O Holy Night** (5 :07)

(Traditional) ARR. of TRAD. song by Michael McDonald

**Vocals:** Michael McDonald

**Acoustic Guitar:** Michael McDonald

**Keyboards:** Pat Coil

**Bass:** Michael McDonald

**Drums:** Shannon Forrest

**Strings:** Conni Ellisor / Anthony La Marchina

**String Arrangements:** Pat Coil

**Tenor Sax:** Mark Douthit

**Guitar Adaptation:** Michael McDonald

### **3. Come, O Come Emanuel / What Month Was Jesus Born**

(4:10)

(Traditional) ARR. of TRAD. song by Michael McDonald

**Vocals:** Michael McDonald

**Piano:** Michael McDonald

**Electric Guitar:** Josh Henson

**Bass:** Michael McDonald

**Drums:** Shannon Forrest

**B-3 Organ:** Pat Coil

**Tenor Sax:** Mark Douthit

**Additional Electric Guitar:** Russ Bono

**Background Vocals:** Drea Rhenee / Daniel E. Moore II /  
Kabanya Vinson / Russ Bono / Michael McDonald

### **4. Deck The Halls / Jingle Bells** (2:51)

(Traditional) ARR. of TRAD. song by Michael McDonald

**Vocals:** Michael McDonald

**Piano:** Michael McDonald

**Electric Guitar:** Josh Henson

**Bass:** Michael McDonald

**Drums:** Shannon Forrest

**5. O Tannenbaum** (1:56)

(Traditional) ARR. of TRAD. song by Michael McDonald

**Keyboard:** Michael McDonald

**Soprano Sax:** Mark Douthit

**6. Wexford Carol** (5:02)

(Traditional) ARR. of TRAD. song by Michael McDonald

**Vocals:** Michael McDonald

**Vocals:** Amy Holland McDonald

**Acoustic Guitar / Electric Guitar:** Josh Henson

**Bass:** Josh Henson

**Drums:** Shannon Forrest

**Synths:** Michael McDonald

**Fiddle:** Stuart Duncan

**Dulcimer:** Michael McDonald

**7. God Rest Ye Merry Gentlemen** (3:36)

(Traditional) ARR. of TRAD. song by Michael McDonald

**Vocals:** Michael McDonald

**Piano:** Michael McDonald

**Electric Guitar:** Josh Henson

**Synths:** Michael McDonald

**B-3 Organ:** Michael McDonald

**Bass:** Michael McDonald

**Drums:** Shannon Forrest

**Background Vocals:** Drea Rhenee / Daniel E. Moore II /  
Kabanya Vinson

**8. Through The Many Winters** (6:51)

Words & Music By: Michael McDonald (ASCAP) and Amy Holland McDonald (ASCAP)

Publisher: Genevieve Publishing (ASCAP) adm. by Wixen Publishing, Calabasas, CA

**Vocals:** Michael McDonald

**Rhodes:** Michael McDonald

**Piano / Keyboards:** Pat Coil

**Nylon String Guitar:** Tom Hemby

**Bass:** Michael McDonald

**Drums:** Shannon Forrest

**Harmonica:** Pat Bergeson

**9. Christmas On The Bayou** (3:42)

Words & Music By: Michael McDonald (ASCAP) / Grady Walker (ASCAP) / Shannon Forrest (ASCAP)

Publisher: Genevieve Publishing (ASCAP) adm. by Wixen

Publishing, Calabasas, CA

**Vocals:** Michael McDonald

**Acoustic Guitar:** Michael McDonald

**Bass:** Michael McDonald

**Drums:** Shannon Forrest

**Fiddle:** Stuart Duncan

**Cajun Accordion:** Michael McDonald

**10. Auld Lang Syne / O Tannenbaum (reprise) (2:26)**

(Traditional) ARR. Of TRAD. song by Michael McDonald

**Vocals:** Michael McDonald

**Keyboard:** Michael McDonald

**Bass:** Michael McDonald

**Drums:** Shannon Forrest

**Tenor Sax:** Mark Douthit

**Producers:** Michael McDonald / Shannon Forrest / Grady Walker

**Programmer:** Shannon Forrest

**Engineer:** Shannon Forrest

**2nd Engineer:** Grady Walker

**Mastered by:** Jim DeMain

**Production Coordinator:** Kathy Walker

**Recorded and Mixed at:** Bingham Bend Studio, Leiper's Fork, TN

**Mastered at:** Yes, Master, Nashville, TN

**Management:** Vector Management, Nashville, TN, Ken Levitan, Joel Hoffner

**Download** a free Michael McDonald song at:

[www.michaelmcdonald.com](http://www.michaelmcdonald.com)

**Special Thanks**

I'd like to thank my wife, Amy, for her love and support and for lending her beautiful voice and lyric writing talents to this project. And to my kids for their tireless patience with Dad.

Thanks to Ann Herick and all the staff at Hallmark Cards, Teri Brown, along with Universal Music Group, Intl., for what has been a wonderful experience for me. To Ken Levitan, Joel Hoffner, and the staff at Vector Management. To Bernie Gudvi, Anna McNeal, and Joyce Maestro at Gudvi, Sussman and Oppenheim. To all of the singers, musicians, and technical people who helped in the making of this recording. To Jim DeMain and the staff at Yes, Master.

To Kathy Walker for her production assistance. To Quanna,

Ethan, and Isaiah Forrest for their support and patience.  
To my partners in production, Shannon Forrest and Grady Walker.

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## Christmas Message From Michael

What Christmas expresses to us universally, beyond even what it represents to Christians specifically, is our innate belief that in our bleakest winters—whether literal or metaphoric—there will always be some sign in the heavens or nature to guide us on our way. That we need only believe in a God of our understanding and trust in the power of doing the loving thing in all of our experiences.

As we live through the years, we come to understand the incredible privilege of loving someone. With that, I dedicate this record to all those I love—especially those truly great people who raised us and taught us to celebrate the holidays and life in good times and bad. To them I dedicate the song “Through The Many Winters.” It’s in these signs along the way we are reminded they are still with us.

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# EXHIBIT L

# UNITED STATES DISTRICT COURT

for the

Craig Reed, et al.

Plaintiff

v.  
Freebird Film Productions, Inc., et al.

Defendant

Civil Action No. 1:08cv1761

Judge Boyko

## Summons in a Civil Action

To: *(Defendant's name and address)*

Vector Management, Inc.  
1607 17th Avenue South  
Nashville, TN 37212

A lawsuit has been filed against you.

Within 20 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, whose name and address are:

H. Alan Rothenbuecher  
T. Earl LeVere  
Schottenstein Zox & Dunn Co., LPA  
1350 Euclid Avenue, Suite 1400  
Cleveland, Ohio 44115

If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Gerri M. Smith

Name of clerk of court

s/Betty Childress

Deputy clerk's

Date: July 23, 2008



*(Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States allowed 60 days by Rule 12(a)(3).)*

**Proof of Service**

I declare under penalty of perjury that I served the summons and complaint in this case on \_\_\_\_\_,  
by:

(1) personally delivering a copy of each to the individual at this place, \_\_\_\_\_;  
\_\_\_\_\_ ; or

(2) leaving a copy of each at the individual's dwelling or usual place of abode with \_\_\_\_\_  
who resides there and is of suitable age and discretion; or

(3) delivering a copy of each to an agent authorized by appointment or by law to receive it whose name is  
\_\_\_\_\_ ; or

(4) returning the summons unexecuted to the court clerk on \_\_\_\_\_ ; or

(5) other (*specify*) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00.

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Printed name and title

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Server's address

# EXHIBIT M



**1:08-cv-01761-CAB** Reed et al v. Freebird Film Productions, Inc. et al  
Christopher A. Boyko, presiding  
**Date filed:** 07/22/2008  
**Date terminated:** 07/14/2010  
**Date of last filing:** 07/14/2010

## History

Doc. No.	Dates	Description
<u>1</u>	Filed & Entered: 07/22/2008	Complaint <i>Docket Text:</i> <b>Complaint</b> with jury demand against all defendants. Filing fee \$ 350, receipt number 06470000000003119379, filed by Craig Reed, Survivor Films, Inc.. (Attachments: # (1) Exhibit 1-Reel 1, # (2) Exhibit 2-Reel 2, # (3) Summons Artisan Entertainment, # (4) Summons Hallmark Entertainment, # (5) Summons Lynyrd Skynyrd Productions, Inc., # (6) Summons Ross Schilling, # (7) Summons Vector Management, Inc., # (8) Summons Gary Rossington, # (9) Summons Judy Van Zant Jenness, # (10) Summons Cabin Fever Entertainment, Inc., # (11) Summons Fly On, Inc., # (12) Summons Freebird Film Productions, Inc., # (13) Civil Cover Sheet) (Rothenbuecher, H.) Modified on 7/23/2008 (C,BA).
<u>2</u>	Filed & Entered: 07/22/2008	Corporate Disclosure Statement <i>Docket Text:</i> Corporate Disclosure Statement by Craig Reed, Survivor Films, Inc. filed by Craig Reed, Survivor Films, Inc.. (Rothenbuecher, H.)
	Filed & Entered: 07/23/2008	Utility Event <i>Docket Text:</i> Judge Christopher A. Boyko assigned to case. (C,BA)
	Filed & Entered: 07/23/2008	Random Assignment of Magistrate Judge <i>Docket Text:</i> Random Assignment of Magistrate Judge pursuant to Local Rule 3.1. In the event of a referral, case will be assigned to Magistrate Judge White. (C,BA)
	Filed & Entered: 07/23/2008	Service by Clerk <i>Docket Text:</i> Service by Clerk. Summons and Complaint addressed to Hallmark Entertainment Dist., LLC, Artisan Entertainment, Inc., Lynyrd Skynyrd Productions, Inc., Freebird Film Productions, Inc., Fly On, Inc., Cabin Fever Entertainment, Inc., Vector Management, Inc., Judy Van Zant Jenness, Gary Rossington & Ross Schilling placed in U.S. Mail. Type of service: certified mail. Receipt # 70022030000380424122/4115/4108/4092/4030/4047/4085/4061/4078/4054. (C,BA)
<u>3</u>	Filed & Entered: 07/23/2008	Summons Issued <i>Docket Text:</i> Summons and Magistrate Consent Form issued to counsel for service upon Hallmark Entertainment Dist., LLC, Artisan Entertainment, Inc., Lynyrd Skynyrd Productions, Inc., Freebird Film Productions, Inc., Fly On, Inc., Cabin Fever Entertainment, Inc., Vector Management, Inc., Judy Van Zant Jenness, Gary Rossington & Ross Schilling. (Attachments: # (1) Magistrate Consent Form) (C,BA)
	Filed & Entered: 08/04/2008	Service by Clerk <i>Docket Text:</i> Service by Clerk. Summons and Complaint addressed to Judy Van Zant Jenness placed in

	U.S. Mail on 8/4/08. Type of service: certified mail, service by Clerk. Receipt # 7002-2030-0003-8042-4139. (B,IE)	
<u>4</u>	Filed: 08/08/2008 Entered: 08/11/2008	Praeipce
	Docket Text: Praeipce for issuance of Alias Summons filed by Craig Reed and Survivor Films, Inc. (B,IE)	
<u>5</u>	Filed: 08/08/2008 Entered: 08/11/2008	Service by Clerk
	Docket Text: Alias Summons issued for service upon Freebird Film Productions, Inc. (B,IE)	
	Filed & Entered: 08/11/2008	Service by Clerk
	Docket Text: Service by Clerk. Summons and Complaint addressed to Freebird Film Productions, Inc. placed in U.S. Mail on 8/11/08. Type of service: certified mail, service by Clerk. Receipt # 7002-2030-0003-8042-3897. (B,IE)	
<u>6</u>	Filed & Entered: 08/13/2008	Return of Service Executed
	Docket Text: Return of Service Executed upon Cabin Fever Entertainment, Inc. by certified mail on 7/21/2008 filed on behalf of all plaintiffs Related document(s)[1]. (B,B)	
<u>7</u>	Filed & Entered: 08/13/2008	Return of Service Executed
	Docket Text: Return of Service Executed upon Artisan Entertainment, Inc. by certified mail on 7/28/2008 filed on behalf of all plaintiffs Related document(s)[1]. (B,B)	
	Filed & Entered: 08/14/2008	Order on Motion for extension of time to answer
	Docket Text: <b>Order</b> [non-document]granting [8] Motion for Extension of Time to Answer Hallmark Entertainment Dist., LLC answer due 9/8/2008.. Judge Christopher A. Boyko on 8/14/2008.(R,D)	
<u>8</u>	Filed & Entered: 08/14/2008 Terminated: 08/14/2008	Motion for extension of time to answer
	Docket Text: <b>Motion</b> for extension of time until September 8, 2008 to answer <i>Complaint</i> filed by Defendant Hallmark Entertainment Dist., LLC. (Colombo, Louis)	
<u>11</u>	Filed: 08/19/2008 Entered: 08/22/2008	Praeipce
	Docket Text: Praeipce for issuance of an alias summons filed by all plaintiffs. (Attachments: # (1) alias summons to Freebird Film Productions, Inc.)(C,B)	
<u>9</u>	Filed & Entered: 08/20/2008	Case Management Conference Scheduling Order
	Docket Text: <b>Case Management Conference Scheduling Order</b> with case management conference to be held on 9/29/2008 at 02:00 PM at Chambers 15B before Judge Christopher A. Boyko. Judge Christopher A. Boyko on 08/20/08. (Attachments: # (1) Report of Parties Planning Meeting)(M,M)	
	Filed & Entered: 08/22/2008	Summons Issued
	Docket Text: Alias Summons issued for service upon Freebird Film Productions, Inc. (C,B)	
<u>10</u>	Filed & Entered: 08/22/2008 Terminated: 08/25/2008	Motion for extension of time to answer
	Docket Text: <b>Motion</b> for extension of time until September 8, 2008 to answer <i>Complaint</i> filed by Defendant Artisan Entertainment, Inc.. (Colombo, Louis)	

	<i>Filed &amp; Entered:</i>	08/25/2008	Order on Motion for extension of time to answer
	<i>Docket Text:</i> <b>Order</b> [non-document] granting [10] Motion for Extension of Time to Answer Artisan Entertainment, Inc. answer due 9/8/2008.. Judge Christopher A. Boyko on 8/25/2008.(R,D)		
	<i>Filed &amp; Entered:</i>	08/25/2008	Service by Clerk
	<i>Docket Text:</i> Service by Clerk. Summons and Complaint addressed to Judy Van Zant Jenness placed in U.S. Mail on 8/25/08. Type of service: certified mail, service by Clerk. Receipt # 7002-2030-0003-8042-4665. (B,IE)		
<a href="#">12</a>	<i>Filed &amp; Entered:</i>	08/27/2008	Motion for extension of time to answer
	<i>Terminated:</i>	08/28/2008	
	<i>Docket Text:</i> Unopposed <b>Motion</b> for extension of time until September 12, 2008 to answer <i>or otherwise plead</i> filed by Lynyrd Skynyrd Productions, Inc., Freebird Film Productions, Inc., Fly On, Inc., Vector Management, Inc., Gary Rossington, Ross Schilling. (Avsec, Mark)		
	<i>Filed &amp; Entered:</i>	08/28/2008	Order on Motion for extension of time to answer
	<i>Docket Text:</i> <b>Order</b> [non-document] granting Defendants Motion for Extension of Time to Answer. Lynyrd Skynyrd Productions, Inc.; Freebird Film Productions, Inc.; Fly On, Inc.; Vector Management, Inc.; Gary Rossington; and Ross Schilling's answer due 9/12/2008, Related document [12]. Judge Christopher A. Boyko on 08/28/08.(M,M)		
<a href="#">13</a>	<i>Filed &amp; Entered:</i>	09/05/2008	Attorney Appearance
	<i>Docket Text:</i> Attorney Appearance by Angela R. Gott filed by on behalf of Lynyrd Skynyrd Productions, Inc., Freebird Film Productions, Inc., Fly On, Inc., Vector Management, Inc., Gary Rossington, Ross Schilling. (Gott, Angela)		
<a href="#">14</a>	<i>Filed &amp; Entered:</i>	09/05/2008	Attorney Appearance
	<i>Docket Text:</i> Attorney Appearance by Bryan A. Schwartz filed by on behalf of Lynyrd Skynyrd Productions, Inc., Freebird Film Productions, Inc., Fly On, Inc., Vector Management, Inc., Gary Rossington, Ross Schilling. (Schwartz, Bryan)		
<a href="#">15</a>	<i>Filed &amp; Entered:</i>	09/08/2008	Answer to Complaint
	<i>Docket Text:</i> <b>Answer</b> to [1] Complaint,, filed by Artisan Entertainment, Inc.. (Colombo, Louis)		
<a href="#">16</a>	<i>Filed &amp; Entered:</i>	09/08/2008	Answer to Complaint
	<i>Docket Text:</i> <b>Answer</b> to [1] Complaint,, filed by Hallmark Entertainment Dist., LLC. (Colombo, Louis)		
<a href="#">17</a>	<i>Filed &amp; Entered:</i>	09/10/2008	Return of Service Unexecuted
	<i>Docket Text:</i> Return of Service Unexecuted upon Judy Van Zant Jenness by Certified Mail attempted on August 19, 2008 filed on behalf of Craig Reed, Survivor Films, Inc. (Rothenbuecher, H.)		
<a href="#">18</a>	<i>Filed &amp; Entered:</i>	09/11/2008	Service by Clerk
	<i>Docket Text:</i> Service by Clerk. Summons and Complaint addressed to Judy Van Zant Jenness placed in U.S. Mail. Type of service: ordinary mail. (C,BA)		
<a href="#">19</a>	<i>Filed &amp; Entered:</i>	09/12/2008	Answer to Complaint
	<i>Docket Text:</i> <b>Answer</b> to [1] Complaint,, filed by Fly On, Inc., Gary Rossington. (Avsec, Mark)		
<a href="#">20</a>	<i>Filed &amp; Entered:</i>	09/12/2008	Answer to Complaint
	<i>Docket Text:</i> <b>Answer</b> to [1] Complaint,, filed by Vector Management, Inc., Ross Schilling. (Avsec,		

	Mark)	
<a href="#">21</a>	<i>Filed &amp; Entered:</i> 09/12/2008	Answer to Complaint
	<i>Docket Text:</i> <b>Answer</b> to [1] Complaint,, filed by Freebird Film Productions, Inc.. (Avsec, Mark)	
<a href="#">22</a>	<i>Filed &amp; Entered:</i> 09/12/2008	Answer to Complaint
	<i>Docket Text:</i> <b>Answer</b> to [1] Complaint,, filed by Lynyrd Skynyrd Productions,Inc.. (Avsec, Mark)	
	<i>Filed &amp; Entered:</i> 09/15/2008	Order on Motion to excuse
	<i>Docket Text:</i> <b>Order</b> [non-document] granting Defendants Motion to excuse attendance of Defendants RHI Entertainment Distribution, Lions Gate Films, Inc., and Louis A. Colombo, Lead Counsel, from the Case Management Conference on September 29, 2008 (Related Doc # [23]). Judge Christopher A. Boyko on 09/15/08.(M,M)	
<a href="#">23</a>	<i>Filed &amp; Entered:</i> 09/15/2008	Motion to excuse
	<i>Terminated:</i> 09/15/2008	
	<i>Docket Text:</i> <b>Motion</b> to excuse <i>Attendance From Case Management Conference</i> filed by Hallmark Entertainment Dist., LLC, Artisan Entertainment, Inc.. Related document(s)[9]. (Colombo, Louis)	
	<i>Filed &amp; Entered:</i> 09/16/2008	Order on Motion to excuse appearance
	<i>Docket Text:</i> <b>Order</b> [non-document] granting Defendant's Motion to excuse appearance of Defendants Freebird Film Productions, Inc., Fly On, Inc., Vector Management, Inc., Gary Rossington, Ross Schilling and Lynyrd Skynyrd Productions, Inc., from the Case Management Conference on 9/29/08. Defendant representatives shall be available by phone (Related Doc # [24]). Judge Christopher A. Boyko on 09/16/08.(M,M)	
<a href="#">24</a>	<i>Filed &amp; Entered:</i> 09/16/2008	Motion to excuse appearance
	<i>Terminated:</i> 09/16/2008	
	<i>Docket Text:</i> <b>Motion</b> to excuse appearance <i>at Case Management Conference</i> filed by Lynyrd Skynyrd Productions,Inc., Freebird Film Productions, Inc., Fly On, Inc., Vector Management, Inc., Gary Rossington, Ross Schilling. (Gott, Angela)	
<a href="#">25</a>	<i>Filed &amp; Entered:</i> 09/24/2008	Report of Parties' Planning Meeting
	<i>Docket Text:</i> Joint Report of Parties' Planning Meeting. Parties do not consent to this case being assigned to the magistrate judge. filed by Hallmark Entertainment Dist., LLC, Artisan Entertainment, Inc., Lynyrd Skynyrd Productions,Inc., Craig Reed, Survivor Films, Inc., Freebird Film Productions, Inc., Fly On, Inc., Vector Management, Inc., Gary Rossington, Ross Schilling. (LeVere, T.)	
	<i>Filed &amp; Entered:</i> 09/29/2008	Case Management Conference
	<i>Docket Text:</i> <b>Minutes of proceedings</b> [non document] before Judge Christopher A. Boyko. Case Management Conference held on 09/29/08. Parties to do initial discovery regarding proper defendants, documentation; chain of assignments, etc. Telephone conference (counsel only) is set for 12/17/08 at 2:00 p.m. to update Court on status. Plaintiff will initiate. Mediation may be a possibility after some discovery. (Court Reporter None.) (M,M)	
<a href="#">26</a>	<i>Filed &amp; Entered:</i> 09/29/2008	Corporate Disclosure Statement
	<i>Docket Text:</i> Corporate Disclosure Statement by Vector Management, Inc. filed by Vector Management, Inc.. (Avsec, Mark)	
<a href="#">27</a>	<i>Filed &amp; Entered:</i> 09/29/2008	Corporate Disclosure Statement



		<i>Docket Text:</i> Corporate Disclosure Statement by Lynyrd Skynyrd Productions,Inc. filed by Lynyrd Skynyrd Productions,Inc.. (Avsec, Mark)
<a href="#">28</a>	<i>Filed &amp; Entered:</i> 09/29/2008	Corporate Disclosure Statement
		<i>Docket Text:</i> Corporate Disclosure Statement by Fly On, Inc. filed by Fly On, Inc.. (Avsec, Mark)
<a href="#">29</a>	<i>Filed &amp; Entered:</i> 09/29/2008	Corporate Disclosure Statement
		<i>Docket Text:</i> Corporate Disclosure Statement by Freebird Film Productions, Inc. filed by Freebird Film Productions, Inc.. (Avsec, Mark)
<a href="#">30</a>	<i>Filed &amp; Entered:</i> 09/29/2008	Return of Service Unexecuted
		<i>Docket Text:</i> Return of Service Unexecuted upon Judy Van Zant Jenness by Regular Mail attempted on 08-19-08 filed on behalf of Craig Reed, Survivor Films, Inc. (Rothenbuecher, H.)
<a href="#">31</a>	<i>Filed &amp; Entered:</i> 09/29/2008	Service by Clerk
		<i>Docket Text:</i> Service by Clerk. Summons and Complaint addressed to Judy Van Zant Jenness placed in U.S. Mail. Type of service: certified mail. Receipt # 7007149000037143440. (C,BA)
<a href="#">32</a>	<i>Filed &amp; Entered:</i> 09/30/2008	Corporate Disclosure Statement
		<i>Docket Text:</i> Corporate Disclosure Statement by Hallmark Entertainment Dist., LLC identifying Other Affiliate RHI Entertainment, Inc. for Hallmark Entertainment Dist., LLC. filed by Hallmark Entertainment Dist., LLC. (Gebhardt, Brandt)
<a href="#">33</a>	<i>Filed &amp; Entered:</i> 09/30/2008	Corporate Disclosure Statement
		<i>Docket Text:</i> Corporate Disclosure Statement by Artisan Entertainment, Inc. identifying Corporate Parent Lions Gate Entertainment for Artisan Entertainment, Inc.. filed by Artisan Entertainment, Inc.. (Gebhardt, Brandt)
<a href="#">34</a>	<i>Filed &amp; Entered:</i> 10/20/2008 <i>Terminated:</i> 10/21/2008	Motion for protective order
		<i>Docket Text:</i> Stipulated <b>Motion</b> for protective order filed by Hallmark Entertainment Dist., LLC, Artisan Entertainment, Inc.. (Gebhardt, Brandt)
<a href="#">35</a>	<i>Filed &amp; Entered:</i> 10/21/2008	Protective Order
		<i>Docket Text:</i> <b>Protective Order.</b> Judge Christopher A. Boyko on 10/21/08. (M,M)
<a href="#">36</a>	<i>Filed &amp; Entered:</i> 12/05/2008 <i>Terminated:</i> 12/08/2008	Motion for conference/hearing
		<i>Docket Text:</i> Unopposed <b>Motion</b> for conference/hearing on 12/17/08 to be Held In Person filed by Defendant Hallmark Entertainment Dist., LLC. (Colombo, Louis)
	<i>Filed &amp; Entered:</i> 12/08/2008	Order on Motion for conference
		<i>Docket Text:</i> <b>Order</b> [non-document]granting Defendants RHI Entertainment Distribution, LLC and Lions Gate Entertainment, Inc.'s unopposed Motion to hold 12/17/2008 status conference in person (Related Doc # [36]) Status Conference set for 12/17/2008 02:00 PM in Chambers 15B before Judge Christopher A. Boyko. All counsel and parties shall attend in person. Judge Christopher A. Boyko on 12/8/2008.(R,D)
<a href="#">37</a>	<i>Filed &amp; Entered:</i> 12/10/2008 <i>Terminated:</i> 12/11/2008	Motion to excuse appearance
		<i>Docket Text:</i> <b>Motion</b> to excuse appearance at December 17, 2008 Status Conference filed by Lynyrd

	Skynyr Production, Inc., Freebird Film Productions, Inc., Fly On, Inc., Vector Management, Inc., Gary Rossington, Ross Schilling. (Gott, Angela)	
	<i>Filed &amp; Entered:</i> 12/11/2008	Order on Motion to excuse appearance
	<i>Docket Text:</i> <b>Order</b> [non-document] granting Defendants' Motion to excuse appearance of Defendants Freebird Film Productions, Inc., Fly On, Inc., Vectors Management, Inc., Gary Rossington, Ross Schilling, and Lynyrd Skynyr Production, Inc., from the 12/17/08 Status Conference. Parties shall be available by phone (Related Doc # [37]). Judge Christopher A. Boyko on 12/11/08.(M,M) Modified on 12/11/2008 (M,M).	
<a href="#">38</a>	<i>Filed &amp; Entered:</i> 12/11/2008 <i>Terminated:</i> 12/12/2008	Motion to excuse
	<i>Docket Text:</i> <b>Motion</b> to excuse attendance at 12/17/08 status conference filed by Hallmark Entertainment Dist., LLC, Artisan Entertainment, Inc.. (Colombo, Louis)	
	<i>Filed &amp; Entered:</i> 12/12/2008	Order on Motion to excuse
	<i>Docket Text:</i> <b>Order</b> [non-document] granting Defendant's Motion to excuse attendance of Defendants RHI Entertainment Distribution, LLC and Lions Gate Films, Inc. from the 12/17/08 Status Conference (Related Doc # [38]). Judge Christopher A. Boyko on 12/12/08.(M,M)	
<a href="#">39</a>	<i>Filed &amp; Entered:</i> 12/15/2008	Application to enter Default
	<i>Docket Text:</i> Application to Clerk for entry of default against Freebird Film Productions, Inc., et al. <i>Plaintiffs' Request For Entry of Default By the Clerk</i> filed by Craig Reed. (Attachments: # (1) Exhibit A - Declaration in Support of Service, # (2) Exhibit B - Civil Docket for Case No. 1:08CV01761, # (3) Exhibit C - Entry of Default Against Cabin Fever Entertainment, Inc.)(Rothenbuecher, H.)	
<a href="#">40</a>	<i>Filed &amp; Entered:</i> 12/15/2008	Answer
	<i>Docket Text:</i> Amended <b>Answer</b> , <i>Affirmative Defenses</i> , and <b>Counterclaim</b> against Craig Reed, Survivor Films, Inc. filed by Lynyrd Skynyr Production, Inc.. Related document(s)[1]. (Attachments: # (1) Exhibit A, U.S. Reg. No. 2271355, # (2) Exhibit B, '355 Sec. 15 Acknowledgement, # (3) Exhibit C, Reg. No. 2240157, # (4) Exhibit D, '157 Sec. 15 Acknowledgement, # (5) Exhibit E, Reg. No. 2268065, # (6) Exhibit F, '065 Sec. 15 Acknowledgement, # (7) Exhibit G, Letter to Craig Reed, # (8) Exhibit H, skynyrdsurvivor.com web site, # (9) Exhibit I, skynyrdsurvivor.com site source code) (Avsec, Mark)	
<a href="#">41</a>	<i>Filed &amp; Entered:</i> 12/16/2008	Default Entered
	<i>Docket Text:</i> Default Entered on December 16, 2008 against Cabin Fever Entertainment, Inc. Geri M. Smith, Clerk, by Marsha A. Nichols, Deputy Clerk. Related document(s)[39]. (M,M)	
<a href="#">42</a>	<i>Filed &amp; Entered:</i> 12/16/2008	Praecipe
	<i>Docket Text:</i> Praecipe for issuance of <i>Alias Summons</i> . filed by Craig Reed, Survivor Films, Inc.. (Attachments: # (1) Summons to Judy Van Zant Jenness)(Rothenbuecher, H.)	
<a href="#">43</a>	<i>Filed &amp; Entered:</i> 12/16/2008 <i>Terminated:</i> 01/23/2009	Motion for default judgment
	<i>Docket Text:</i> <b>Motion</b> for default judgment against Cabin Fever Entertainment, Inc. filed by Craig Reed, Survivor Films, Inc.. (Rothenbuecher, H.)	
<a href="#">44</a>	<i>Filed &amp; Entered:</i> 12/16/2008 <i>Terminated:</i> 12/29/2008	Motion to strike
	<i>Docket Text:</i> <b>Motion</b> to strike Amended Answer, Affirmative Defenses, and Counterclaims of Lynyrd	

	Skynyrd Productions, Inc. filed by Craig Reed, Survivor Films, Inc.. (Rothenbuecher, H.)	
	Filed & Entered: 12/17/2008	Status Conference
	Docket Text: <b>Minutes of proceedings</b> [non document] before Judge Christopher A. Boyko. Status Conference held on 12/17/08. Defendants shall file dispositive motions by 1/20/09. Opposition briefs due by 2/20/09. Reply briefs due by 3/4/09. Defendant Lynyrd Skynyrd's answer and counterclaim (ECF Dkt #40) is withdrawn, with right to re-file motion for leave if necessary after ruling on dispositive motion. Plaintiff's Motion to Strike (ECF Dkt #44) is overruled as moot. The parties presented the Court with a discovery dispute (by letter) which will be held in abeyance until after ruling on dispositive motion. (Court Reporter: None.)Time: 35 minutes. (M,M)	
<a href="#">45</a>	Filed & Entered: 12/17/2008	Summons Issued
	Docket Text: Alias Summons issued for service upon Judy Van Zant Jenness. (R,N)	
	Filed & Entered: 12/29/2008	Order on Motion to strike
	Docket Text: <b>Order</b> [non-document]denying as moot Motion to strike amended answer, affirmative defenses, and counterclaims of Lynyrd Skynyrd Productions, Inc.(Related Doc # [44])per minutes of Status Conference held on 12/17/2008. Judge Christopher A. Boyko on 12/29/2008.(R,D)	
<a href="#">46</a>	Filed & Entered: 12/29/2008	Return of Service Executed
	Docket Text: Return of Service Executed upon Judy Van Zant Jenness by Personal on 12/23/2008 filed on behalf of Craig Reed, Survivor Films, Inc. (Rothenbuecher, H.)	
<a href="#">47</a>	Filed & Entered: 01/12/2009 Terminated: 01/14/2009	Motion for extension of time to answer
	Docket Text: <b>Motion</b> for extension of time until after the Court's ruling on the parties' dispositive motions to answer <i>or otherwise plead</i> filed by Defendant Judy Van Zant Jenness. (Avsec, Mark)	
	Filed & Entered: 01/14/2009	Order on Motion for extension of time to answer
	Docket Text: <b>Order</b> [non-document] granting in part Defendant Judy Jenness' Motion for Extension of Time to Answer. Defendant shall have until 2/14/09 to plead or otherwise respond. Related document [47]. Judge Christopher A. Boyko on 01/14/09.(M,M)	
<a href="#">48</a>	Filed & Entered: 01/15/2009	Stipulation
	Docket Text: Proposed Stipulation of Dismissal of Artisan Entertainment, Inc. and Lions Gate Films, Inc. without prejudice filed by Hallmark Entertainment Dist., LLC, Artisan Entertainment, Inc., Lynyrd Skynyrd Productions, Inc., Craig Reed, Survivor Films, Inc., Freebird Film Productions, Inc., Fly On, Inc., Vector Management, Inc., Judy Van Zant Jenness, Gary Rossington, Ross Schilling. (Rothenbuecher, H.)	
<a href="#">49</a>	Filed & Entered: 01/15/2009	Order and Notice of Party Dismissal
	Docket Text: <b>Order</b> and Notice of Party Dismissal. Pursuant to Civil Rule 41, all parties to this action who have entered an appearance have consented to the dismissal of Artisan/Lions Gate from this action, without prejudice. Related [48] Stipulation. Judge Christopher A. Boyko on 01/15/09. (M,M)	
<a href="#">50</a>	Filed & Entered: 01/20/2009 Terminated: 09/22/2009	Motion for summary judgment
	Docket Text: <b>Motion</b> for summary judgment filed by Defendant Hallmark Entertainment Dist., LLC. (Attachments: # (1) Brief in Support of Motion for Summary Judgment, # (2) Exhibit 1 to Brief in Support, # (3) Exhibit 2 to Brief in Support, # (4) Declaration of Jeffrey L. Ringler, # (5) Exhibit A to	

	Declaration, # (6) Exhibit B to Declaration, # (7) Exhibit C to Declaration)(Colombo, Louis)	
51	<i>Filed:</i> 01/20/2009 <i>Entered:</i> 01/21/2009	Affidavit/Declaration
	<i>Docket Text:</i> Declaration of Mark E. Avsec filed by Lynyrd Skynyrd Productions,Inc., Freebird Film Productions, Inc., Fly On, Inc., Vector Management, Inc., Gary Rossington, Ross Schilling. FILED UNDER SEAL, related doc. [35] (B,IE)	
52	<i>Filed:</i> 01/20/2009 <i>Entered:</i> 01/21/2009	Affidavit/Declaration
	<i>Docket Text:</i> Declaration of Ross Schilling filed by Lynyrd Skynyrd Productions,Inc., Freebird Film Productions, Inc., Fly On, Inc., Vector Management, Inc., Gary Rossington, Ross Schilling. FILED UNDER SEAL, related doc. [35] (B,IE)	
53	<i>Filed:</i> 01/20/2009 <i>Entered:</i> 01/21/2009	Affidavit/Declaration
	<i>Docket Text:</i> Declaration of Gary Haber, CPA filed by Lynyrd Skynyrd Productions,Inc., Freebird Film Productions, Inc., Fly On, Inc., Vector Management, Inc., Gary Rossington, Ross Schilling. FILED UNDER SEAL, related doc. [35] (B,IE)	
54	<i>Filed:</i> 01/20/2009 <i>Entered:</i> 01/21/2009	Affidavit/Declaration
	<i>Docket Text:</i> Declaration of Johnny Van Zant filed by Lynyrd Skynyrd Productions,Inc., Freebird Film Productions, Inc., Fly On, Inc., Vector Management, Inc., Gary Rossington, Ross Schilling. FILED UNDER SEAL, related doc. [35] (B,IE)	
55	<i>Filed:</i> 01/20/2009 <i>Entered:</i> 01/21/2009	Affidavit/Declaration
	<i>Docket Text:</i> Declaration of Gary Rossington filed by Lynyrd Skynyrd Productions,Inc., Freebird Film Productions, Inc., Fly On, Inc., Vector Management, Inc., Gary Rossington, Ross Schilling. FILED UNDER SEAL, related doc. [35] (B,IE)	
56	<i>Filed:</i> 01/20/2009 <i>Entered:</i> 01/21/2009 <i>Terminated:</i> 08/28/2009	Motion for summary judgment
	<i>Docket Text:</i> <b>Motion</b> for summary judgment and Memorandum in support filed by Lynyrd Skynyrd Productions,Inc., Freebird Film Productions, Inc., Fly On, Inc., Vector Management, Inc., Gary Rossington, Ross Schilling. FILED UNDER SEAL, related doc. [35] (B,IE)	
<a href="#">57</a>	<i>Filed &amp; Entered:</i> 01/21/2009	Order
	<i>Docket Text:</i> <b>Order.</b> The Lynyrd Skynyrd Defendants shall re-file their motion for summary judgment by Friday, January 23, 2009, or the Court will unseal the document, attachments and exhibits filed on January 20, 2009 (Related document [56]). Judge Christopher A. Boyko on 01/21/09. (M,M)	
	<i>Filed &amp; Entered:</i> 01/22/2009	Order on Motion for leave
	<i>Docket Text:</i> <b>Order</b> [non-document]granting Lynyrd Skynyrd Defendants Motion for leave to file certain documents under seal(Related Doc # [58]). Judge Christopher A. Boyko on 1/22/2009.(R,D)	
<a href="#">58</a>	<i>Filed &amp; Entered:</i> 01/22/2009 <i>Terminated:</i> 01/22/2009	Motion for leave



	<i>Docket Text:</i> <b>Motion</b> for leave to <i>File Certain Documents Under Seal</i> filed by Lynyrd Skynyrd Productions, Inc., Freebird Film Productions, Inc., Fly On, Inc., Vector Management, Inc., Gary Rossington, Ross Schilling. Related document(s)[57]. (Avsec, Mark)
	<i>Filed &amp; Entered:</i> 01/23/2009 Order on Motion for default judgment
	<i>Docket Text:</i> <b>Order</b> [non-document] granting Plaintiff's Motion for default judgment against Cabin Fever Entertainment, Inc. (Related Doc # [43]). Judge Christopher A. Boyko on 01/23/09.(M,M)
<a href="#">59</a>	<i>Filed &amp; Entered:</i> 01/23/2009 Default Judgment
	<i>Docket Text:</i> <b>Default Judgment.</b> It is ordered, adjudged and decreed that Defendant Cabin Fever Entertainment, Inc., jointly and/or severally, pay Plaintiffs 2.5% of all net profits earned by it on the sales of Freebird...The Move, plus interest at the statutory rate of five percent (5%) from the date that such monies were due to Plaintiffs. Judge Christopher A. Boyko on 01/23/09. (M,M)
<a href="#">60</a>	<i>Filed &amp; Entered:</i> 01/23/2009 Motion for summary judgment <i>Terminated:</i> 09/30/2009
	<i>Docket Text:</i> <b>Motion</b> for summary judgment filed by Lynyrd Skynyrd Productions, Inc., Freebird Film Productions, Inc., Fly On, Inc., Vector Management, Inc., Gary Rossington, Ross Schilling. (Attachments: # (1) Brief in Support)(Avsec, Mark)
<a href="#">61</a>	<i>Filed &amp; Entered:</i> 01/23/2009 Affidavit/Declaration
	<i>Docket Text:</i> Affidavit/Declaration of <i>Mark E. Avsec</i> filed by Lynyrd Skynyrd Productions, Inc., Freebird Film Productions, Inc., Fly On, Inc., Vector Management, Inc., Gary Rossington, Ross Schilling. Related document(s)[60]. (Attachments: # (1) Exhibit A, Documentary Agreement, # (2) Exhibit B, Discovery Responses, # (3) Exhibit C, Lyve from Steel Town video packaging, # (4) Exhibit D, video time table, # (5) Exhibit E, Discovery Responses, # (6) Exhibit F, VC Partner's check, # (7) Exhibit G, Fly On, Inc.'s checks, # (8) Exhibit H, Avsec letter of Nov. 14, 2008, # (9) Exhibit I, Reel One certificate of registration, # (10) Exhibit J, Reel Two certificate of registration, # (11) Exhibit K, Rose Jan 18, 2008 letter, # (12) Exhibit L, Freebird-The Movie financial statements, # (13) Exhibit M, Colombo Dec. 2, 2008 letter, # (14) Exhibit N, Vicious Cycle Tour DVD packaging, # (15) Exhibit O, Lyve from Steel Town DVD, # (16) Exhibit P, Vicious Cycle Tour DVD, # (17) Exhibit Q, Lynyrd Skynyrd concert revenues, # (18) Exhibit R, Footage Use Tables, # (19) Exhibit S, Blaufarb Dec. 21, 2000 letter)(Avsec, Mark)
<a href="#">62</a>	<i>Filed &amp; Entered:</i> 01/23/2009 Affidavit/Declaration
	<i>Docket Text:</i> Affidavit/Declaration of <i>Ross Schilling</i> filed by Lynyrd Skynyrd Productions, Inc., Freebird Film Productions, Inc., Fly On, Inc., Vector Management, Inc., Gary Rossington, Ross Schilling. Related document(s)[60]. (Avsec, Mark)
<a href="#">63</a>	<i>Filed &amp; Entered:</i> 01/23/2009 Affidavit/Declaration
	<i>Docket Text:</i> Affidavit/Declaration of <i>Gary Rossington</i> filed by Lynyrd Skynyrd Productions, Inc., Freebird Film Productions, Inc., Fly On, Inc., Vector Management, Inc., Gary Rossington, Ross Schilling. Related document(s)[60]. (Avsec, Mark)
<a href="#">64</a>	<i>Filed &amp; Entered:</i> 01/23/2009 Affidavit/Declaration
	<i>Docket Text:</i> Affidavit/Declaration of <i>Johnny Van Zant</i> filed by Lynyrd Skynyrd Productions, Inc., Freebird Film Productions, Inc., Fly On, Inc., Vector Management, Inc., Gary Rossington, Ross Schilling. Related document(s)[60]. (Avsec, Mark)
<a href="#">65</a>	<i>Filed &amp; Entered:</i> 01/23/2009 Exhibits

	<i>Docket Text:</i> Exhibit F to Declaration of Mark E. Avsec filed by Lynyrd Skynyrd Productions, Inc., Freebird Film Productions, Inc., Fly On, Inc., Vector Management, Inc., Gary Rossington, Ross Schilling. FILED UNDER SEAL pursuant to non-document order dated 1/22/09. (B,IE)	
66	<i>Filed &amp; Entered:</i> 01/23/2009	Exhibits
	<i>Docket Text:</i> Exhibit G to Declaration of Mark E. Avsec filed by Lynyrd Skynyrd Productions, Inc., Freebird Film Productions, Inc., Fly On, Inc., Vector Management, Inc., Gary Rossington, Ross Schilling. FILED UNDER SEAL pursuant to non-document order dated 1/22/09. (B,IE)	
67	<i>Filed &amp; Entered:</i> 01/23/2009	Exhibits
	<i>Docket Text:</i> Exhibit H to Declaration of Mark E. Avsec filed by Lynyrd Skynyrd Productions, Inc., Freebird Film Productions, Inc., Fly On, Inc., Vector Management, Inc., Gary Rossington, Ross Schilling. FILED UNDER SEAL pursuant to non-document order dated 1/22/09. (B,IE)	
68	<i>Filed:</i> 01/23/2009 <i>Entered:</i> 01/26/2009	Exhibits
	<i>Docket Text:</i> Exhibit L to Declaration of Mark E. Avsec filed by Lynyrd Skynyrd Productions, Inc., Freebird Film Productions, Inc., Fly On, Inc., Vector Management, Inc., Gary Rossington, Ross Schilling. FILED UNDER SEAL pursuant to non-document order dated 1/22/09. (B,IE)	
69	<i>Filed:</i> 01/23/2009 <i>Entered:</i> 01/26/2009	Exhibits
	<i>Docket Text:</i> Exhibit Q to Declaration of Mark E. Avsec filed by Lynyrd Skynyrd Productions, Inc., Freebird Film Productions, Inc., Fly On, Inc., Vector Management, Inc., Gary Rossington, Ross Schilling. FILED UNDER SEAL pursuant to non-document order dated 1/22/09. (B,IE)	
70	<i>Filed:</i> 01/23/2009 <i>Entered:</i> 01/26/2009	Exhibits
	<i>Docket Text:</i> Exhibit O (Lynyrd Skynyrd Lyve Steel Town DVD) to the Declaration of Mark E. Avsec in Support of Lynyrd Skynyrd Defendants' Motion for Summary Judgment filed by Lynyrd Skynyrd Productions, Inc., Freebird Film Productions, Inc., Fly On, Inc., Vector Management, Inc., Gary Rossington, Ross Schilling. Related document(s)[60]. Modified docket text on 1/26/2009 (B,IE).	
71	<i>Filed:</i> 01/23/2009 <i>Entered:</i> 01/26/2009	Exhibits
	<i>Docket Text:</i> Exhibit P (Lynyrd Skynyrd Lyve Vicious Cycle Tour DVD) to the Declaration of Mark E. Avsec in support of Lynyrd Skynyrd Defendants' Motion for Summary Judgment filed by Lynyrd Skynyrd Productions, Inc., Freebird Film Productions, Inc., Fly On, Inc., Vector Management, Inc., Gary Rossington, Ross Schilling. Related document(s)[60]. (B,IE) Modified docket text on 1/26/2009 (B,IE).	
<a href="#">72</a>	<i>Filed &amp; Entered:</i> 02/06/2009	Notice
	<i>Docket Text:</i> Notice Itemization of Fees and Costs filed by Craig Reed. (Rothenbuecher, H.)	
	<i>Filed &amp; Entered:</i> 02/09/2009	Order
	<i>Docket Text:</i> <b>Order</b> (non-document), per Plaintiff's submission (Dkt. #72), Plaintiffs are awarded costs, fees and expenses in the amount of \$7,754.18 against the defaulting Defendant, Cabin Fever Entertainment, Inc.. Judge Christopher A. Boyko on 2/9/2009. (R,D)	
<a href="#">73</a>	<i>Filed &amp; Entered:</i> 02/13/2009	Return of Service Unexecuted

	<i>Docket Text:</i> Return of Service Unexecuted upon Judy Van Zant Jenness by certified mail, service by Clerk marked "unclaimed" filed on behalf of Judy Van Zant Jenness. Related document(s)[31]. (B,IE)
<a href="#">74</a>	<i>Filed &amp; Entered:</i> 02/13/2009 Answer to Complaint <i>Docket Text:</i> <b>Answer</b> to [1] Complaint,, and <i>Affirmative Defenses</i> filed by Judy Van Zant Jenness. (Avsec, Mark)
<a href="#">75</a>	<i>Filed &amp; Entered:</i> 02/23/2009 Opposition <i>Docket Text:</i> <b>Opposition</b> to [50] <b>Motion</b> for summary judgment filed by Craig Reed, Survivor Films, Inc.. (Rothenbuecher, H.)
<a href="#">76</a>	<i>Filed &amp; Entered:</i> 02/23/2009 Supplement <i>Docket Text:</i> Supplement to <i>Memorandum In Opposition to RHI Entertainment's Motion for Summary Judgment</i> filed by Craig Reed, Survivor Films, Inc.. (Rothenbuecher, H.)
<a href="#">77</a>	<i>Filed &amp; Entered:</i> 02/23/2009 Affidavit/Declaration <i>Docket Text:</i> Affidavit/Declaration of <i>Craig Reed</i> filed by Craig Reed, Survivor Films, Inc.. (Attachments: # (1) Exhibit A, # (2) Exhibit B, # (3) Exhibit C, # (4) Exhibit D, # (5) Exhibit E, # (6) Exhibit F, # (7) Exhibit G)(Rothenbuecher, H.)
<a href="#">78</a>	<i>Filed &amp; Entered:</i> 02/23/2009 Affidavit/Declaration <i>Docket Text:</i> Affidavit/Declaration of <i>H. Alan Rothenbuecher</i> filed by Craig Reed, Survivor Films, Inc.. (Attachments: # (1) Exhibit R2)(Rothenbuecher, H.)
<a href="#">79</a>	<i>Filed &amp; Entered:</i> 02/23/2009 Affidavit/Declaration <i>Docket Text:</i> Affidavit/Declaration of <i>H. Alan Rothenbuecher</i> filed by Craig Reed, Survivor Films, Inc.. (Attachments: # (1) Exhibit R2, # (2) Exhibit R4, # (3) Exhibit R5, # (4) Exhibit R6)(Rothenbuecher, H.)
<a href="#">80</a>	<i>Filed &amp; Entered:</i> 02/23/2009 Sealed Document <i>Docket Text:</i> <b>SEALED Document:</b> <i>Exhibit R1 to Affidavit of H. Alan Rothenbuecher</i> filed by Craig Reed, Survivor Films, Inc.. Related document(s)[35]. (Rothenbuecher, H.)
<a href="#">81</a>	<i>Filed &amp; Entered:</i> 02/23/2009 Sealed Document <i>Docket Text:</i> <b>SEALED Document:</b> <i>Ex. R3 to Affidavit of H. Alan Rothenbuecher</i> filed by Craig Reed, Survivor Films, Inc.. Related document(s)[35]. (Rothenbuecher, H.)
<a href="#">82</a>	<i>Filed &amp; Entered:</i> 02/23/2009 Opposition <i>Docket Text:</i> <b>Opposition</b> to [60] <b>Motion</b> for summary judgment filed by Craig Reed, Survivor Films, Inc.. (Rothenbuecher, H.)
<a href="#">83</a>	<i>Filed &amp; Entered:</i> 02/24/2009 Affidavit/Declaration <i>Docket Text:</i> Affidavit/Declaration <i>That Party Was Unable To File In A Timely Manner Due To Technical Difficulties</i> filed by Craig Reed, Survivor Films, Inc.. (Rothenbuecher, H.)
	<i>Filed &amp; Entered:</i> 03/04/2009 Order on Motion to extend deadlines <i>Docket Text:</i> <b>Order</b> [non-document]granting [84] Motion to Extend Deadlines to file reply brief in support of motion for summary judgment until 3/6/2009;. Judge Christopher A. Boyko on 3/4/2009.(R,D)
<a href="#">84</a>	<i>Filed &amp; Entered:</i> 03/04/2009 Motion for extension of time (other)

	<i>Terminated:</i>	03/04/2009	
	<i>Docket Text:</i> <b>Motion</b> for extension of Time to File Reply Brief in Support of Motion for Summary Judgment until 03-06-09 filed by Defendant Hallmark Entertainment Dist., LLC. Related document(s)[75]. (Colombo, Louis)		
<a href="#">85</a>	<i>Filed &amp; Entered:</i>	03/04/2009	Reply
	<i>Docket Text:</i> <b>Reply</b> to response to [60] <b>Motion</b> for summary judgment filed by Lynyrd Skynyrd Productions, Inc., Freebird Film Productions, Inc., Fly On, Inc., Vector Management, Inc., Gary Rossington, Ross Schilling. (Avsec, Mark)		
<a href="#">86</a>	<i>Filed &amp; Entered:</i>	03/04/2009	Affidavit/Declaration
	<i>Docket Text:</i> Supplemental Affidavit/Declaration of <i>Gary Haber, CPA</i> filed by Lynyrd Skynyrd Productions, Inc., Freebird Film Productions, Inc., Fly On, Inc., Vector Management, Inc., Gary Rossington, Ross Schilling. Related document(s)[85]. (Avsec, Mark)		
<a href="#">87</a>	<i>Filed &amp; Entered:</i>	03/04/2009	Affidavit/Declaration
	<i>Docket Text:</i> Supplemental Affidavit/Declaration of <i>Ross Schilling</i> filed by Lynyrd Skynyrd Productions, Inc., Freebird Film Productions, Inc., Fly On, Inc., Vector Management, Inc., Gary Rossington, Ross Schilling. Related document(s)[85]. (Avsec, Mark)		
<a href="#">88</a>	<i>Filed &amp; Entered:</i>	03/04/2009	Affidavit/Declaration
	<i>Docket Text:</i> Affidavit/Declaration of <i>Judy Jenness</i> filed by Lynyrd Skynyrd Productions, Inc., Freebird Film Productions, Inc., Fly On, Inc., Vector Management, Inc., Gary Rossington, Ross Schilling. Related document(s)[85]. (Avsec, Mark)		
<a href="#">89</a>	<i>Filed &amp; Entered:</i>	03/06/2009	Reply
	<i>Docket Text:</i> <b>Reply</b> to response to [50] <b>Motion</b> for summary judgment filed by Hallmark Entertainment Dist., LLC. (Attachments: # (1) Declaration of Jeff Waxman, # (2) Second Declaration of Jeffrey L. Ringler)(Colombo, Louis)		
<a href="#">90</a>	<i>Filed &amp; Entered:</i>	03/16/2009	Motion for leave
	<i>Terminated:</i>	09/30/2009	
	<i>Docket Text:</i> <b>Motion</b> for leave to file <i>Instantly a Sur-Reply Memorandum in Opposition to the Lynyrd Skynyrd Defendants' Motion for Summary Judgment</i> filed by Craig Reed, Survivor Films, Inc.. (Rothenbuecher, H.)		
<a href="#">91</a>	<i>Filed &amp; Entered:</i>	03/16/2009	Supplement
	<i>Docket Text:</i> Supplement <i>Reply in Support of Plaintiff's Rule 56(f) Motion</i> to [79] Affidavit/Declaration, [82] Opposition, [75] Opposition filed by Craig Reed, Survivor Films, Inc.. Related document(s)[79], [82], [75]. (Rothenbuecher, H.)		
<a href="#">92</a>	<i>Filed &amp; Entered:</i>	03/16/2009	Motion to strike
	<i>Terminated:</i>	09/22/2009	
	<i>Docket Text:</i> <b>Motion</b> to strike <i>Portions of Defendants' Reply Briefs and Supporting Evidence</i> filed by Craig Reed, Survivor Films, Inc.. (Rothenbuecher, H.)		
<a href="#">93</a>	<i>Filed &amp; Entered:</i>	03/30/2009	Opposition
	<i>Docket Text:</i> <b>Opposition</b> to [92] <b>Motion</b> to strike <i>Portions of Defendants' Reply Briefs and Supporting Evidence</i> filed by Hallmark Entertainment Dist., LLC. (Colombo, Louis)		



<a href="#">94</a>	<i>Filed &amp; Entered:</i> 03/31/2009	Opposition
	<i>Docket Text:</i> <b>Opposition</b> to [92] <b>Motion</b> to strike <i>Portions of Defendants' Reply Briefs and Supporting Evidence</i> , [90] <b>Motion</b> for leave to file <i>Instanter a Sur-Reply Memorandum in Opposition to the Lynyrd Skynyrd Defendants' Motion for Summary Judgment</i> filed by Lynyrd Skynyrd Productions, Inc., Freebird Film Productions, Inc., Fly On, Inc., Vector Management, Inc., Gary Rossington, Ross Schilling. (Avsec, Mark)	
<a href="#">95</a>	<i>Filed &amp; Entered:</i> 04/08/2009	Reply
	<i>Docket Text:</i> <b>Reply</b> to response to [92] <b>Motion</b> to strike <i>Portions of Defendants' Reply Briefs and Supporting Evidence</i> , [90] <b>Motion</b> for leave to file <i>Instanter a Sur-Reply Memorandum in Opposition to the Lynyrd Skynyrd Defendants' Motion for Summary Judgment</i> filed by all plaintiffs. (LeVere, T.)	
<a href="#">96</a>	<i>Filed &amp; Entered:</i> 09/22/2009	Order on Motion for summary judgment
	<i>Docket Text:</i> <b>Opinion and Order</b> granting Defendant RHI Entertainment Distribution, LLC's Motion for summary judgment (Related Doc # [50]); denying as moot Plaintiffs' Motion to Strike Portions of Defendants Reply Briefs and Supporting Evidence (Related Doc # [92]). Judge Christopher A. Boyko on 09/22/09.(M,M)	
<a href="#">97</a>	<i>Filed &amp; Entered:</i> 09/30/2009	Order on Motion for summary judgment
	<i>Docket Text:</i> <b>Opinion and Order</b> granting in part and denying in part Defendants' Motion for summary judgment (Related Doc # [60]); denying Plaintiffs' Motion to Strike and Plaintiffs' Motion for Leave to Fiel Instanter a Sur-Reply (Related Doc # [90]). Judge Christopher A. Boyko on 09/30/09.(M,M)	
<a href="#">98</a>	<i>Filed &amp; Entered:</i> 12/01/2009	Notice of Hearing or Conference
	<i>Docket Text:</i> Notice of Status Conference set for 12/8/2009 at 02:00 PM in to be held telephonically before Judge Christopher A. Boyko. Plaintiff shall initiate the call, join opposing counsel and this Court at (216) 357-7151. (M,M)	
	<i>Filed &amp; Entered:</i> 12/08/2009	Status Conference
	<i>Docket Text:</i> <b>Minutes of proceedings</b> [non document] before Judge Christopher A. Boyko.Telephone Status Conference held on 12/08/09. Discussions continue. Telephone Status Conference set for 12/17/2009 at 10:00 AM. The Court will connect to conference call using same number and code as today. Atty Lou Columbo, on behalf of RHI, will not be participating. Parties to advise whether settlement conference should be set with the Court; whether mediation should be scheduled; or whether matter will move forward (Court Reporter: None.)Time: 15 minutes. (M,M)	
	<i>Filed &amp; Entered:</i> 12/17/2009	Telephone Conference
	<i>Docket Text:</i> <b>Minutes of proceedings</b> [non document] before Judge Christopher A. Boyko.Telephone Conference held on 12/17/09. Discussions continue. Defendants shall provide SOUNDSCAN report to Plaintiffs by end of the year. Plaintiffs shall review and prepare to discuss status of case with the Court again. Telephone Conference set for 1/7/2010 at 03:00 PM in to be held telephonically before Judge Christopher A. Boyko. Court will initiate, using conference call number.(Court Reporter: None.)Time: 35 minutes. (M,M)	
	<i>Filed &amp; Entered:</i> 01/08/2010	Telephone Conference
	<i>Docket Text:</i> <b>Minutes of proceedings</b> [non document] before Judge Christopher A. Boyko.Telephone Conference held on 01/07/10. Defendants provided unredacted Soundscan report to Plaintiffs. Plaintiffs will make formal demand by Wednesday, January 13, 2010. Defendants will review, consult with clients, and prepare written response by January 18, 2010. Telephone Conference set for 1/22/2010 at	

	10:30 AM to be held telephonically before Judge Christopher A. Boyko. Court will initiate using same conference call number and code.(Court Reporter: None.)Time: 20 minutes. (M,M)
	<i>Filed &amp; Entered:</i> 01/22/2010 Telephone Conference
	<i>Docket Text: Minutes of proceedings</i> [non document] before Judge Christopher A. Boyko.Telephone Conference held on 01/22/10. Telephone Conference set for 1/29/2010 at 02:00 PM to be held telephonically before Judge Christopher A. Boyko. Court will initiate call using same number and code.(Court Reporter: None.)Time: 10 minutes. (M,M)
	<i>Filed &amp; Entered:</i> 01/29/2010 Telephone Conference
	<i>Docket Text: Minutes of proceedings</i> [non document] before Judge Christopher A. Boyko.Telephone Conference held on 01/29/10. Telephone Conference set for 2/5/2010 at 02:30 PM (note time change) in Chambers 15B before Judge Christopher A. Boyko. Court will initiate call using same conference number and code.(Court Reporter: None.)Time: 15 minutes. (M,M)
	<i>Filed &amp; Entered:</i> 02/05/2010 Telephone Conference
	<i>Docket Text: Minutes of proceedings</i> [non document] before Judge Christopher A. Boyko.Telephone Conference held on 02/05/10. Settlement proposals discussed. No settlement reached. Defendants shall file motion on or before February 19, 2010 for leave of Court to amend answers to assert counterclaims. (Court Reporter: None.)Time: 30 minutes. (M,M)
<a href="#">99</a>	<i>Filed &amp; Entered:</i> 02/08/2010 Order to Show Cause
	<i>Docket Text: Order</i> to Show Cause. The Court orders Plaintiffs and Defendants to show cause in writing, on or before February 19, 2010, why individuals not currently named in the above-captioned lawsuit should not be joined as required parties for complete disposition. The briefs shall not exceed five pages in length, Related Telephone Conference. Judge Christopher A. Boyko on 02/08/10. (M,M)
<a href="#">100</a>	<i>Filed &amp; Entered:</i> 02/19/2010 Notice
	<i>Docket Text: Notice of Response to Order to Show Cause</i> filed by All Plaintiffs. Related document(s)[99].(LeVere, T.)
<a href="#">101</a>	<i>Filed &amp; Entered:</i> 02/19/2010 Motion for leave <i>Terminated:</i> 06/25/2010
	<i>Docket Text: Motion</i> for leave to <i>File Instanter its First Amended Answer, Affrimative Defenses and Counterclaims</i> filed by Defendant Lynyrd Skynyrd Productions,Inc.. (Attachments: # (1) Proposed Order, # (2) Exhibit 1, First Amended Answer, Affiramtive Defense and Counterclaims, # (3) Exhibit A, U.S. Reg. 2,271,355, # (4) Exhibit B, § 15 acknowledgement, # (5) Exhibit C, U.S. Reg. 2,240,157, # (6) Exhibit D, § 15 acknowledgement, # (7) Exhibit E, U.S. Reg. 2,268,065, # (8) Exhibit F, § 15 acknowledgement, # (9) Exhibit G, Google search results, # (10) Exhibit H, Cease & Desist letter, # (11) Exhibit I, skynyrd survivor.com site, # (12) Exhibit J, skynyrd survivor.com source code, # (13) Exhibit K, syrvyrvyrfilms.com site, # (14) Exhibit L, syrvyrvyrfilms.com source code)(Avsec, Mark)
<a href="#">102</a>	<i>Filed &amp; Entered:</i> 02/19/2010 Notice
	<i>Docket Text: Notice of Response to Order to Show Cause</i> filed by Fly On, Inc., Freebird Film Productions, Inc., Judy Van Zant Jenness, Lynyrd Skynyrd Productions,Inc., Gary Rossington, Ross Schilling, Vector Management, Inc.. Related document(s)[99].(Avsec, Mark)
<a href="#">103</a>	<i>Filed &amp; Entered:</i> 03/08/2010 Opposition
	<i>Docket Text: Opposition</i> to [101] <b>Motion</b> for leave to <i>File Instanter its First Amended Answer, Affrimative Defenses and Counterclaims with Declaration by Plaintiff Craig Reed</i> filed by All

	Plaintiffs. (LeVere, T.)	
<a href="#">104</a>	<i>Filed &amp; Entered:</i> 03/18/2010	Reply
	<i>Docket Text:</i> <b>Reply</b> to response to [101] <b>Motion</b> for leave to <i>File Instanter its First Amended Answer, Affirmative Defenses and Counterclaims</i> filed by Lynyrd Skynyrd Productions,Inc.. (Avsec, Mark)	
<a href="#">105</a>	<i>Filed &amp; Entered:</i> 06/25/2010	Order on Motion for leave
	<i>Docket Text:</i> <b>Opinion and Order</b> granting in part and denying in part Lynyrd Skynyrd Productions, Inc.'s Motion for Leave to File First Amended Complaint (Related Doc # [101]). Judge Christopher A. Boyko on 06/25/10.(M,M)	
<a href="#">106</a>	<i>Filed &amp; Entered:</i> 06/25/2010	Notice of Hearing or Conference
	<i>Docket Text:</i> Notice of Status Conference set for 8/11/2010 at 02:00 PM in Chambers 15B before Judge Christopher A. Boyko. Lead counsel required to attend. (M,M)	
<a href="#">107</a>	<i>Filed &amp; Entered:</i> 07/14/2010	Notice
	<i>Docket Text:</i> Stipulated Notice of Dismissal Under FRCP 41(a)(1) filed by All Plaintiffs. (LeVere, T.)	
<a href="#">108</a>	<i>Filed &amp; Entered:</i> 07/14/2010	Order and Notice of Case Dismissal
	<i>Docket Text:</i> <b>Order</b> of Case Dismissal. Plaintiffs and Defendants have settled their dispute pursuant to a settlement agreement, and pursuant to Rule 41 of the Federal Rules of Civil Procedure, stipulate to dismissal of all claims, including counterclaims, filed in this action with prejudice. Judge Christopher A. Boyko on 07/14/10. (M,M)	

<b>PACER Service Center</b>			
<b>Transaction Receipt</b>			
08/06/2010 04:45:58			
<b>PACER Login:</b>	hb1848	<b>Client Code:</b>	
<b>Description:</b>	History/Documents	<b>Search Criteria:</b>	1:08-cv-01761-CAB
<b>Billable Pages:</b>	12	<b>Cost:</b>	0.96

# EXHIBIT N



IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

REED, et al.,	)	
Plaintiffs,	)	JUDGE CHRISTOPHER A. BOYKO
	)	
	)	CASE NO. 1:08CV1761
vs.	)	
	)	NOTICE OF APPEARANCE OF ANGELA
	)	R. GOTT
FREEBIRD FILM PRODUCTIONS INC.,	)	
et al.,	)	
	)	
Defendants.	)	
	)	
	)	
	)	
	)	

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PLEASE TAKE NOTICE that Angela R. Gott, an attorney with the law firm of Benesch, Friedlander, Coplan & Aronoff, LLP, 200 Public Square, Suite 2300, Cleveland, Ohio 44114-2378, hereby enters her appearance as counsel for Defendants Freebird Film Productions, Inc., Fly On, Inc., Vector Management, Inc., Gary Rossington, Ross Schilling and Lynyrd Skynyrd Productions, Inc. (collectively, "Defendants").

Respectfully submitted,

DATED: September 5, 2008  
Cleveland, Ohio

/s/ Angela R. Gott  
 Angela R. Gott (0082198)  
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 Telephone: (216) 363-4500  
 Facsimile: (216) 363-4588  
 Attorneys for Defendants

CERTIFICATE OF SERVICE

The undersigned certifies that on September 5, 2008, a true and correct copy of the foregoing was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Angela R. Gott  
One of the Attorneys for Defendants

# EXHIBIT O

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

REED, et al.,	)	
Plaintiffs,	)	CASE NO. 1:08CV1761
	)	
vs.	)	JUDGE CHRISTOPHER A. BOYKO
	)	
FREEBIRD FILM PRODUCTIONS, INC.,	)	
et al.,	)	
	)	
Defendants.	)	
	)	
	)	

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**ANSWER AND AFFIRMATIVE DEFENSES OF VECTOR MANAGEMENT, INC. AND  
ROSS SCHILLING**

Defendants Vector Management, Inc. (“Vector”) and Ross Schilling (“Schilling” and, together with Vector, “the Tennessee Defendants”), through their counsel, respond to the Complaint of Plaintiffs Craig Reed (“Reed”) and Survivor Films, Inc. (“Survivor” and, together with Reed, “Plaintiffs”), as follows:

1. The Tennessee Defendants admit that Reed for a time worked as a production and general assistant for the bands “Lynyrd Skynyrd,” “The Rossington-Collins Band,” and “The Allen Collins Band.” The Tennessee Defendants are without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in paragraph 1 of the Complaint and, on that basis, deny those allegations.

2. The Tennessee Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 2 of the Complaint and, on

that basis, deny those allegations. The Tennessee Defendants further aver that Survivor appears to be a Florida corporation and not a Tennessee corporation, as alleged in the Complaint.

3. The Tennessee Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 3 of the Complaint and, on that basis, deny those allegations.

4. The Tennessee Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 4 of the Complaint and, on that basis, deny those allegations.

5. The Tennessee Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 5 of the Complaint and, on that basis, deny those allegations.

6. The Tennessee Defendants admit that Vector is a Tennessee corporation with its principal place of business in the Nashville, Tennessee metropolitan area.

7. The Tennessee Defendants are without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in paragraph 7 of the Complaint and, on that basis, deny those allegations.

8. The Tennessee Defendants admit that Defendant Gary Rossington is an individual and that he is a founding and current member of the band Lynyrd Skynyrd, but deny that he resides within the State of California. The Tennessee Defendants are without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in paragraph 8 of the Complaint and, on that basis, deny those allegations.

9. The Tennessee Defendants admit that Schilling is a Tennessee resident, is employed by Vector, and presently serves as part of the management team for the band Lynyrd

Skynyrd. The Tennessee Defendants deny the remaining allegations contained in paragraph 9 of the Complaint.

10. The Tennessee Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 10 of the Complaint and, on that basis, deny those allegations.

11. The Tennessee Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 11 of the Complaint and, on that basis, deny those allegations.

12. The Tennessee Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 12 of the Complaint and, on that basis, deny those allegations.

13. The Tennessee Defendants admit that Plaintiffs purport to base jurisdiction on 28 U.S.C. §§ 1331, 1338(a) and (b) and 1367, aver that these allegations constitute legal conclusions that are not properly admitted nor denied, but for the purposes of answering only, deny the allegations made in paragraph 13 of the Complaint.

14. The Tennessee Defendants deny the allegations contained in paragraph 14 of the Complaint.

15. The Tennessee Defendants deny the allegations contained in paragraph 15 of the Complaint.

16. The Tennessee Defendants admit that Reed has worked as a production and general assistant for Lynyrd Skynyrd, The Rossington-Collins Band, and The Allen Collins Band, and also toured with those bands. The Tennessee Defendants are without knowledge or

information sufficient to form a belief as to the truth of the remaining allegations contained in paragraph 16 of the Complaint and, on that basis, deny those allegations.

17. The Tennessee Defendants admit that Reed worked as a production and general assistant for Lynyrd Skynyrd until 2005. The Tennessee Defendants admit that Lynyrd Skynyrd performed in Cleveland, Ohio in April 2008, but deny that Reed rendered services for Lynyrd Skynyrd when the band performed in Cleveland, Ohio in April 2008. The Tennessee Defendants are without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in paragraph 17 of the Complaint and, on that basis, deny those allegations.

18. The Tennessee Defendants admit that Reed shot concert and “behind the scenes” film footage containing various members of Lynyrd Skynyrd and its crew, but deny that Reed did so “as a personal project and hobby.” The Tennessee Defendants are without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in paragraph 18 of the Complaint and, on that basis, deny those allegations.

19. The Tennessee Defendants admit that: on October 20, 1977, while on tour with Lynyrd Skynyrd, Reed was a passenger on an airplane that crashed in Mississippi; the crash claimed the lives of the pilot, co-pilot, and four passengers (including Lynyrd Skynyrd’s lead singer, Ronnie Van Zant); and the crash left the surviving passengers injured. The Tennessee Defendants are without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in paragraph 19 of the Complaint and, on that basis, deny those allegations.

20. The Tennessee Defendants admit that Lynyrd Skynyrd temporarily disbanded after the October 20, 1977 plane crash. The Tennessee Defendants admit that Lynyrd Skynyrd



reformed in or around 1987 with Johnny Van Zant, the younger brother of the late Ronnie Van Zant, as lead singer.

21. The Tennessee Defendants admit the allegations contained in paragraph 21 of the Complaint.

22. The Tennessee Defendants admit that Reed worked for Lynyrd Skynyrd in various capacities after Lynyrd Skynyrd's reformation in 1987. The Tennessee Defendants admit that Reed was the longest-standing member of Lynyrd Skynyrd's crew, and was one of the few crew members to have worked with the original band's lineup, but deny that Reed still works for Lynyrd Skynyrd.

23. The Tennessee Defendants admit that Lynyrd Skynyrd is a popular musical group, but deny that Lynyrd Skynyrd sells upwards of one million records each year and generates in excess of \$10 million in touring revenue each year from performances throughout the United States. The Tennessee Defendants admit that Lynyrd Skynyrd occasionally plays shows in Ohio. The Tennessee Defendants admit that, in 2006, Lynyrd Skynyrd was inducted into the Rock and Roll Hall of Fame. The Tennessee Defendants are without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in paragraph 23 of the Complaint and, on that basis, deny those allegations.

24. The Tennessee Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 24 of the Complaint and, on that basis, deny those allegations.

25. The Tennessee Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 25 of the Complaint and, on that basis, deny those allegations.

26. The Tennessee Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 26 of the Complaint and, on that basis, deny those allegations.

27. The Tennessee Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 27 of the Complaint and, on that basis, deny those allegations.

28. The Tennessee Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 28 of the Complaint and, on that basis, deny those allegations.

29. The Tennessee Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 29 of the Complaint and, on that basis, deny those allegations.

30. The Tennessee Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 30 of the Complaint and, on that basis, deny those allegations.

31. The Tennessee Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 31 of the Complaint and, on that basis, deny those allegations.

32. The Tennessee Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 32 of the Complaint and, on that basis, deny those allegations.

33. The Tennessee Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 33 of the Complaint and, on that basis, deny those allegations.

34. The Tennessee Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 34 of the Complaint and, on that basis, deny those allegations.

35. The Tennessee Defendants admit that a documentary film about the original Lynyrd Skynyrd band entitled "Freebird the Movie" was produced, but are without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in paragraph 35 of the Complaint.

36. The Tennessee Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 36 of the Complaint and, on that basis, deny those allegations.

37. The Tennessee Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 37 of the Complaint and, on that basis, deny those allegations.

38. The Tennessee Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 38 of the Complaint and, on that basis, deny those allegations.

39. The Tennessee Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 39 of the Complaint and, on that basis, deny those allegations.

40. The Tennessee Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 40 of the Complaint and, on that basis, deny those allegations.

41. The Tennessee Defendants admit that Defendant Rossington, inasmuch as he was a member of the original Lynyrd Skynyrd band, appeared in “Freebird the Movie,” but denies that Mr. Rossington “was an actor” in the film.

42. The Tennessee Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 42 of the Complaint and, on that basis, deny those allegations.

43. The Tennessee Defendants deny the allegations contained in paragraph 43 of the Complaint.

44. Paragraph 44 of the Complaint attempts to interpret a written agreement or states a legal conclusion for which no response is required. The Tennessee Defendants aver, however, that the written agreement referred to in paragraph 44 of the Complaint speaks for itself.

45. The Tennessee Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 45 of the Complaint and, on that basis, deny those allegations.

46. Plaintiffs alleged in paragraph 34 of the Complaint that Reed provided a copy of Reel 1 to Defendant Cabin Fever Entertainment, Inc. – not to “Defendants” (as alleged in paragraph 46 of the Complaint). Regardless, the Tennessee Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 46 of the Complaint and, on that basis, deny those allegations.

47. The Tennessee Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 47 of the Complaint and, on that basis, deny those allegations.

48. The Tennessee Defendants admit that in or around June 2002, Schilling asked Reed whether he had any film footage of the original Lynyrd Skynyrd band, and deny the remaining allegations contained paragraph 48 of the Complaint.

49. The Tennessee Defendants admit that Reed acknowledged to Schilling that he had some film footage of the original Lynyrd Skynyrd band, and deny the remaining allegations contained in paragraph 49 of the Complaint.

50. The Tennessee Defendants deny the allegations contained in paragraph 50 of the Complaint and aver that Reed, an employee of Lynyrd Skynyrd, expressed to Schilling that he would give to Schilling whatever film footage of the old Lynyrd Skynyrd band he had in his possession.

51. The Tennessee Defendants deny the allegations contained in paragraph 51 of the Complaint.

52. The Tennessee Defendants aver that Reed could not even look at whatever film footage he had because it was in Super 8 format and, in or around July 2002, Reed gave his footage to Schilling so that it could be transferred to DVD and viewed. The Tennessee Defendants deny the remaining allegations contained in paragraph 52 of the Complaint.

53. The Tennessee Defendants deny the allegations contained in paragraph 53 of the Complaint.

54. The Tennessee Defendants deny that they publicly performed or displayed the Film (as that term is defined in paragraph 24 of the Complaint). The Tennessee Defendants

admit that portions of some film footage taken by Reed were displayed at live concert events where Lynyrd Skynyrd performed, but deny that the film footage was displayed without Reed's knowledge, consent, and agreement. The Tennessee Defendants deny the remaining allegations contained in paragraph 54 of the Complaint.

55. The Tennessee Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 55 of the Complaint and, on that basis, deny those allegations.

56. The Tennessee Defendants deny the allegations contained in paragraph 56 of the Complaint.

57. The Tennessee Defendants deny the allegations contained in paragraph 57 of the Complaint.

58. The Tennessee Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 58 of the Complaint and, on that basis, deny those allegations.

59. The Tennessee Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 59 of the Complaint and, on that basis, deny those allegations.

60. The Tennessee Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 60 of the Complaint and, on that basis, deny those allegations.

61. The Tennessee Defendants admit that certain film footage of Lynyrd Skynyrd shot by Reed was used in the DVD entitled LYNKYRD SKYNYRD LYVE – THE VICIOUS

CYCLE TOUR. The Tennessee Defendants deny the remaining allegations contained in paragraph 61 of the Complaint.

62. The Tennessee Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 62 of the Complaint and, on that basis, deny those allegations.

63. The Tennessee Defendants deny the allegations contained in paragraph 63 of the Complaint inasmuch as no DVD titled 2003 NASHVILLE LIVE exists.

64. The Tennessee Defendants admit that excerpts of film footage shot by Reed were used in a music video for the song SIMPLE MAN. The Tennessee Defendants deny the remaining allegations contained in paragraph 64 of the Complaint.

65. The Tennessee Defendants admit that excerpts of film footage shot by Reed were used in a music video for the song FREEBIRD. The Tennessee Defendants deny the remaining allegations contained in paragraph 65 of the Complaint.

66. The Tennessee Defendants deny the allegations contained in paragraph 66 of the Complaint.

67. The Tennessee Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 67 of the Complaint and, on that basis, deny those allegations.

68. The Tennessee Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 68 of the Complaint and, on that basis, deny those allegations.

69. The Tennessee Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 69 of the Complaint and, on that basis, deny those allegations.

70. The Tennessee Defendants deny that Vector was involved in any Lynyrd Skynyrd project prior to 1999, including the LYNKYRD SKYNYRD – LYVE FROM STEEL TOWN DVD. The Tennessee Defendants admit that Vector managed the career of Lynyrd Skynyrd and certain of its members during the time period that one or more of the other video projects listed in paragraphs 59-66 of the Complaint were created, duplicated, distributed, marketed, and/or sold, but deny that Vector directly created, duplicated, distributed, marketed, or sold any of these video projects. The Tennessee Defendants further aver that any use of any film footage shot by Reed and used in such projects was used with Reed’s knowledge, consent, and agreement. The Tennessee Defendants deny the remaining allegations contained in paragraph 70 of the Complaint..

71. The Tennessee Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 71 of the Complaint and, on that basis, deny those allegations.

72. The Tennessee Defendants admit that Defendant Rossington performed in Lynyrd Skynyrd’s live shows and music videos, some of which are the subjects of paragraphs 59-66 of the Complaint. The Tennessee Defendants deny the remaining allegations of paragraph 72 of the Complaint.

73. The Tennessee Defendants aver that there is no defendant in this action defined as “Van Zant” and, on that basis, deny the allegations contained in paragraph 73 of the Complaint.



74. The Tennessee Defendants deny that Schilling was involved in any Lynyrd Skynyrd project prior to 1999, including the LYNYRD SKYNYRD – LYVE FROM STEEL TOWN DVD. The Tennessee Defendants admit that Schilling, as an employee of Vector, participated in the management of the career of Lynyrd Skynyrd and certain of its members during the time period that one or more of the other video projects listed in paragraphs 59-66 of the Complaint were created, duplicated, distributed, marketed, or sold, but deny that Schilling directly created, duplicated, distributed, marketed, and/or sold any of these video projects. The Tennessee Defendants further aver that any use of any film footage shot by Reed and used in such projects was used with Reed’s knowledge, consent, and agreement. The Tennessee Defendants deny the remaining allegations contained in paragraph 74 of the Complaint.

75. The Tennessee Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 75 of the Complaint and, on that basis, deny those allegations.

76. The Tennessee Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 76 of the Complaint and, on that basis, deny those allegations.

77. The Tennessee Defendants deny the allegations contained in paragraph 77 of the Complaint.

78. The Tennessee Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 78 of the Complaint and, on that basis, deny those allegations.

79. The Tennessee Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 79 of the Complaint and, on that basis, deny those allegations.

80. The Tennessee Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 80 of the Complaint and, on that basis, deny those allegations.

81. The Tennessee Defendants deny that Vector benefited financially from Lynyrd Skynyrd projects prior to 1999. The Tennessee Defendants admit that Vector benefited financially from the career of Lynyrd Skynyrd during the time period that one or more of the video projects listed in paragraphs 59-66 of the Complaint were released, but deny the remaining allegations contained in paragraph 81 of the Complaint.

82. The Tennessee Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 82 of the Complaint and, on that basis, deny those allegations.

83. The Tennessee Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 83 of the Complaint and, on that basis, deny those allegations.

84. The Tennessee Defendants aver that there is no defendant in this action defined as “Van Zant” and, on that basis, deny the allegations contained in paragraph 84 of the Complaint.

85. The Tennessee Defendants deny the allegations contained in paragraph 85 of the Complaint.

86. The Tennessee Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 86 of the Complaint and, on that basis, deny those allegations.

87. The Tennessee Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 87 of the Complaint and, on that basis, deny those allegations.

88. The Tennessee Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 88 of the Complaint and, on that basis, deny those allegations.

89. The Tennessee Defendants deny the allegations contained in paragraph 89 of the Complaint.

90. The Tennessee Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 90 of the Complaint and, on that basis, deny those allegations.

**Answer to Count I**

91. The Tennessee Defendants incorporate herein by reference all allegations, statements, denials, and admissions contained in the previous paragraphs.

92. The Tennessee Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 92 of the Complaint and, on that basis, deny those allegations.

93. The Tennessee Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 93 of the Complaint and, on that basis, deny those allegations.

94. The Tennessee Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 94 of the Complaint and, on that basis, deny those allegations.

95. The Tennessee Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 95 of the Complaint and, on that basis, deny those allegations.

96. The Tennessee Defendants aver that neither Vector nor Schilling are parties to the Documentary Agreement (as that term is defined in paragraph 33 of the Complaint) and, on that basis, deny the allegations contained in paragraph 96 of the Complaint.

#### **Answer to Count II**

97. The Tennessee Defendants incorporate herein by reference all allegations, statements, denials, and admissions contained in the previous paragraphs.

98. The Tennessee Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 98 of the Complaint and, on that basis, deny those allegations.

99. The Tennessee Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 99 of the Complaint and, on that basis, deny those allegations.

100. The Tennessee Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 100 of the Complaint, but deny that a Certificate of Registration for Reel 1 was attached as Exhibit A to the Complaint. The Tennessee Defendants aver that there is no Exhibit A to the Complaint.

101. The Tennessee Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 101 of the Complaint, but deny that a Certificate of Registration for Reel 2 was attached as Exhibit B to the Complaint. The Tennessee Defendants aver that there is no Exhibit B to the Complaint.

102. The Tennessee Defendants deny the allegations contained in paragraph 102 of the Complaint.

103. The Tennessee Defendants deny the allegations contained in paragraph 103 of the Complaint.

104. The Tennessee Defendants deny the allegations contained in paragraph 104 of the Complaint.

105. The Tennessee Defendants deny the allegations contained in paragraph 105 of the Complaint.

106. The Tennessee Defendants deny the allegations contained in paragraph 106 of the Complaint.

107. The Tennessee Defendants deny the allegations contained in paragraph 107 of the Complaint.

108. The Tennessee Defendants deny the allegations of paragraph 108 of the Complaint.

109. The Tennessee Defendants deny that Vector or Schilling, or both, infringed Plaintiffs' alleged copyrights in Reel 1 and/or Reel 2, and deny the remaining allegations contained in paragraph 109 of the Complaint.

110. The Tennessee Defendants deny the allegations contained in paragraph 110 of the Complaint, including, but not limited to, Plaintiffs' assumption that Vector or Schilling, or both, infringed Plaintiffs' alleged copyrights in Reel 1 and/or Reel 2.

**General Denial**

111. The Tennessee Defendants deny each and every allegation not expressly admitted herein and deny that Reed or Survivor is entitled to any relief.

**AFFIRMATIVE DEFENSES**

**FIRST DEFENSE**

112. The claims asserted in the Complaint fail to state a claim upon which relief can be granted.

**SECOND DEFENSE**

113. The Court does not have subject matter jurisdiction over the claims asserted in the Complaint.

**THIRD DEFENSE**

114. The Court lacks personal jurisdiction over Vector and Schilling.

**FOURTH DEFENSE**

115. Plaintiffs' recovery is barred by the doctrines of laches, estoppel, ratification, and/or waiver.

**FIFTH DEFENSE**

116. Plaintiffs' recovery is barred by the doctrine of fair use under the Copyright Act, 17 U.S.C. § 107.

**SIXTH DEFENSE**

117. Plaintiffs' recovery is barred because Reed had knowledge of and consented to, *i.e.*, licensed, the use of the works complained of herein.

**SEVENTH DEFENSE**

118. Plaintiffs' recovery is barred because the Documentary Agreement (as that term is defined in paragraph 33 of the Complaint) contemplates and permits the use of the works complained of herein.

**EIGHTH DEFENSE**

119. Plaintiffs' recovery is barred because Reed is not the author of the works complained of herein.

**NINTH DEFENSE**

120. Plaintiffs' claims are barred by applicable statutes of limitation and, in particular, the Copyright Act's statute of limitations set forth at 17 U.S.C. § 507(b).

**TENTH DEFENSE**

121. Plaintiffs' claims are barred because the Tennessee Defendants were privileged to take certain actions complained of herein.

**ELEVENTH DEFENSE**

122. Plaintiffs' recovery is barred by the doctrine of unclean hands.

**TWELFTH DEFENSE**

123. Plaintiffs are not entitled to receive attorneys' fees or statutory damages.





### CERTIFICATE OF SERVICE

The undersigned certifies that on September 12, 2008, a true and correct copy of the foregoing **ANSWER AND AFFIRMATIVE DEFENSES OF VECTOR MANAGEMENT, INC. AND ROSS SCHILLING** was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Mark E. Avsec

One of the Attorneys for Defendants VECTOR  
MANAGEMENT, INC. and ROSS SCHILLING

## EXHIBIT P

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

REED, et al.,	)	JUDGE CHRISTOPHER A. BOYKO
	)	
Plaintiffs,	)	CASE NO. 1:08CV1761
	)	
vs.	)	
	)	
FREEBIRD FILM PRODUCTIONS,	)	<b>CORPORATE DISCLOSURE</b>
INC., et al.,	)	<b>STATEMENT OF VECTOR</b>
	)	<b>MANAGEMENT, INC.</b>
Defendants.	)	

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Pursuant to the Corporate Disclosure Statement provisions in Local Civil Rule 3.13(c): Any non-governmental corporate party to a proceeding must file a statement identifying all its parent, subsidiary and other affiliate corporations and listing any publicly held company that owns 10% or more of the party's stock. A party must file the statement upon filing a complaint, answer, motion, response or other pleading in this Court, whichever occurs first. The obligation to disclose any changes will be continuing throughout the pendency of this case.

In compliance with those provision, this Corporate Disclosure Statement is filed on behalf of Vector Management, Inc.

1. Is said party a parent, subsidiary or other affiliate of a publicly owned corporation?

\_\_\_\_\_ Yes   X   No.

If the answer is yes, list below the identity of the parent, subsidiary or other affiliate corporation and the relationship between it and the named party.

2. Is there a publicly owned corporation, not a party to this case, that has a financial interest in the outcome?

\_\_\_\_\_ Yes  X  No.

If the answer is yes, list the identity of such corporation and the nature of the financial interest.

DATED: September 29, 2008

Respectfully submitted,

/s/ Mark E. Avsec  
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Inc.