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7 UNITED STATES DISTRICT COURT
8 CENTRAL DISTRICT OF CALIFORNIA

9 BROADCAST MUSIC, INC., a New
York corporation; CONCORD MUSIC,
10 GROUP, INC., a Delaware corporation,
d/b/a JONDORA MUSIC in California;
11 UNIVERSAL-SONGS OF POLYGRAM
INTERNATIONAL, INC., a Delaware
12 corporation; ABKCO MUSIC, INC., a
New York corporation; SONGS OF
13 UNIVERSAL, INC., a California
corporation; MOEBETOBLAME
14 MUSIC, a California partnership;
CORAL REEFER MUSIC a California
15 sole proprietorship; WELSH WITCH
MUSIC, a California sole proprietorship;
16 WARNER-TAMERLANE
PUBLISHING CORP., a California
17 corporation; RONDOR MUSIC
INTERNATIONAL, INC., a California
18 corporation, d/b/a IRVING MUSIC;
NIGHT GARDEN MUSIC, a division of
19 R.E.M./ATHENS, LTD; FOURTEENTH
HOUR MUSIC INC., a Michigan
20 corporation; SPRINGTIME MUSIC,
INC., a Michigan corporation;
21 UNIVERSAL MUSIC MGB NA LLC, a
California limited liability company, d/b/a
22 UNIVERSAL MUSIC CAREERS;
UNIVERSAL MUSIC-Z TUNES LLC, a
23 New York limited liability company, d/b/a
UNIVERSAL MUSIC Z SONGS; PAUL
24 O'NEILL PUBLISHING,

Plaintiffs,

25 vs.

26 T-MOBILE USA, INC., a Delaware
27 Corporation and DOES 1 -10,

28 Defendants.

Civ. Action No: **CV09 09316 RSWL (JCx)**

COMPLAINT FOR:

- 1) COPYRIGHT INFRINGEMENT, 17 U.S.C § 501 *et seq.*;
- 2) CONTRIBUTORY COPYRIGHT INFRINGEMENT, 17 U.S.C. § 501 *et seq.*; and
- 3) VICARIOUS COPYRIGHT INFRINGEMENT, 17 U.S.C. § 501

1 Plaintiffs Broadcast Music, Inc.; Concord Music, Group, Inc. d/b/a
2 Jondora Music; Universal-Songs of Polygram International, Inc.; ABKCO Music,
3 Inc.; Songs of Universal, Inc.; Moebetoblame Music; Coral Reefer Music; Welsh
4 Witch Music; Warner-Tamerlane Publishing Corp.; Rondor Music International, Inc.
5 d/b/a Irving Music; Night Garden Music, a division of R.E.M./Athens, Ltd;
6 Fourteenth Hour Music Inc.; Springtime Music, Inc.; Universal Music MGB NA LLC
7 d/b/a Universal Music Careers; Universal Music-Z Tunes LLC d/b/a Universal Music
8 Z Songs; Paul O'Neill Publishing ("Plaintiffs"), by their attorneys, Hughes Hubbard
9 & Reed LLP, for their Complaint against Defendants, alleges as follows:

10 **NATURE OF ACTION**

11 1. This is an action arising from ongoing, voluminous and willful
12 copyright infringement by a national wireless cell phone service provider, T-Mobile
13 USA, Inc. ("T-Mobile"), which is engaged in, among other things, the provision of
14 a musical ringback tone service to its cell phone service subscribers. Despite
15 numerous notices and warnings over the course of several years, T-Mobile has
16 refused to obtain a license to publicly perform many thousands of BMI musical
17 works that it has transmitted, and continues to transmit every day in this district and
18 throughout the country without authorization. Plaintiffs expect, through discovery,
19 to prove that hundreds or thousands of works in the BMI repertoire were performed
20 many thousands of times, in addition to the works specifically identified below.

21 **JURISDICTION AND VENUE**

22 2. This is an action for copyright infringement under the United States
23 Copyright Act of 1976, as amended, 17 U.S.C. § 101 et seq. (the "Copyright Act").
24 This Court has jurisdiction pursuant to 28 U.S.C. § 1338(a).

25 3. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391
26 and 1400(a).

THE PARTIES

1
2 4. Plaintiff Broadcast Music, Inc. ("BMI"), is a music performing rights
3 organization, referred to as such in Section 101 of the Copyright Act. BMI is a
4 corporation organized and existing under the laws of the State of New York. BMI's
5 principal place of business is 320 West 57th Street, New York, New York 10019,
6 and it has an office at 8730 Sunset Boulevard, Los Angeles, California 90069. BMI
7 has been granted the right to license the public performing right in approximately
8 6.5 million copyrighted musical works (the "BMI repertoire"), including those
9 which are alleged herein to have been infringed.

10 5. Plaintiff Concord Music, Group, Inc., a Delaware corporation, doing
11 business as Jondora Music has an office at 2600 Tenth Street, Berkeley, California
12 94710. This plaintiff is the copyright owner of at least one of the songs in this
13 matter.

14 6. Plaintiff Universal Songs Of Polygram International Inc., a Delaware
15 Corporation, has an office at 2440 Sepulveda Blvd, Suite 100, Los Angeles,
16 California 90064. This plaintiff is the copyright owner of at least one of the songs
17 in this matter.

18 7. Plaintiff Abkco Music Inc., a New York corporation, has an office at
19 85 Fifth Avenue, 11th Floor, New York, New York 10003. This plaintiff is the
20 copyright owner of at least one of the songs in this matter.

21 8. Plaintiff Songs Of Universal, Inc., a California corporation, has an
22 office at 2440 Sepulveda Blvd, Suite 100, Los Angeles, California 90064. This
23 plaintiff is the copyright owner of at least one of the songs in this matter.

24 9. Plaintiff Moebetoblame Music is a California partnership consisting of
25 Michael Balzary, John Anthony Frusciante, Anthony Kiedis and Chad Gaylord
26 Smith, and has an office at 11601 Wilshire Blvd., Suite 2200, Los Angeles,
27 California 90025. This plaintiff is the copyright owner of at least one of the songs
28 in this matter.

1 10. Plaintiff Coral Reefer Music is a California sole proprietorship owned
2 by James W. Buffett, and has an office at 1880 Century Park East, Suite 1600, Los
3 Angeles, California 94710. This plaintiff is the copyright owner of at least one of
4 the songs in this matter.

5 11. Plaintiff Welsh Witch Music is a California sole proprietorship owned
6 by Stephanie Nicks and has an office at 10635 Santa Monica Blvd., Los Angeles,
7 California 90025. This plaintiff is the copyright owner of at least one of the songs
8 in this matter.

9 12. Plaintiff Warner-Tamerlane Publishing Corp., a California corporation,
10 has an office at 10585 Santa Monica Blvd., Los Angeles, California 90025. This
11 plaintiff is the copyright owner of at least one of the songs in this matter.

12 13. Plaintiff Rondor Music International, Inc., a California corporation
13 doing business as Irving Music Inc. has an office at 2440 Sepulveda Blvd, Suite
14 100, Los Angeles, California 90064. This plaintiff is the copyright owner of at
15 least one of the songs in this matter.

16 14. Plaintiff Night Garden Music, a division of R.E.M./Athens, Ltd., has
17 an office at 170 College Avenue, Athens, Georgia 30601. This plaintiff is the
18 copyright owner of at least one of the songs in this matter.

19 15. Plaintiff Fourteenth Hour Music Inc., a Michigan corporation, has an
20 office at 6273 Branford Drive, West Bloomfield, Michigan 48322. This plaintiff is
21 the copyright owner of at least one of the songs in this matter.

22 16. Plaintiff Springtime Music, Inc., a Michigan corporation, has an office
23 at 2948 Turtle Pond Court, Bloomfield Township, Michigan 48302. This plaintiff
24 is the copyright owner of at least one of the songs in this matter.

25 17. Plaintiff Universal Music MGB NA LLC, a California limited liability
26 company doing business as Universal Music Careers has an office at 2440
27 Sepulveda Blvd, Suite 100, Los Angeles, California 90064. This plaintiff is the
28 copyright owner of at least one of the songs in this matter.

1 18. Plaintiff Universal Music-Z Tunes LLC, a New York limited liability
2 company doing business as Universal Music Z Songs has an office at 2440
3 Sepulveda Blvd, Suite 100, Los Angeles, California 90064. This plaintiff is the
4 copyright owner of at least one of the songs in this matter.

5 19. Plaintiff Paul F. O’Neill, doing business as Paul O’Neill Publishing
6 has an office at 34-36 33rd Street, Astoria, New York 11106. This plaintiff is the
7 copyright owner of at least one of the songs in this matter.

8 20. Defendant T-Mobile USA, Inc. (“T-Mobile”), a Delaware corporation
9 with its principal place of business in Bellevue, Washington, is a national provider
10 of wireless voice, messaging, and data services and is the fourth largest US wireless
11 carrier in terms of subscribers. T-Mobile has numerous offices and other facilities
12 in this district, including, but not limited to, retail stores at 259 South Broadway,
13 Los Angeles, California 90013 and 717 West Olympic Boulevard, Los Angeles,
14 California 90015. T-Mobile offers for sale, and sells, its wireless carrier services,
15 including ringback tone service in this district. According to its earnings report for
16 the second quarter of 2009, T-Mobile had approximately 33.5 million subscribers
17 as of the end of the second quarter of 2009. T-Mobile reported total revenues of
18 \$21.885 billion for calendar year 2008 and \$10.74 billion for the first half of
19 calendar year 2009. Upon information and belief, T-Mobile is an indirect
20 subsidiary of Deutsche Telekom AG.

21 **ALLEGATIONS APPLICABLE TO ALL CLAIMS FOR RELIEF**

22 21. Plaintiffs repeat and reallege each of the allegations contained in
23 paragraphs 1 through 20.

24 22. With the launch of its “Caller Tunes” ringback tone service in
25 December 2004, T-Mobile became the first US wireless carrier to make ringback
26 tones available nationwide.

27 23. A ringback tone is custom audio transmission pre-selected by a T-
28 Mobile subscriber that is heard by a caller when calling the T-Mobile subscriber

1 after dialing, which takes the place of the conventional ring heard by the caller
2 before the call is answered. The audio transmission on a ringback tone is typically a
3 sound recording of a musical work.

4 24. Ringback tones are stored on the ringback tone provider's server(s), in
5 this case T-Mobile's, and are streamed to the caller's phone and simultaneously
6 audible to the caller.

7 25. Ringback tones are to be contrasted with "ringtones," which are sound
8 files of musical works which are downloaded by individual cellphone customers
9 and stored on the customer's cellphone, and which replace the conventional ringing
10 heard by the recipient of a call.

11 26. T-Mobile offers its "Caller Tunes" ringback tone service for
12 \$1.49/month, and in addition, each individual Caller Tune purchased by a
13 subscriber costs \$1.99 each. Upon information and belief, as of the date of this
14 Complaint T-Mobile offered hundreds of different musical works to its customers
15 to choose among.

16 27. Upon information and belief, T-Mobile has, in the course of offering,
17 selling and transmitting its Caller Tunes, infringed upon the copyrights in hundreds
18 or thousands of copyrighted works in the BMI repertoire through its streaming of
19 many thousands of ringback tone performances without the consent of BMI or the
20 individual copyright owners.

21 28. All of the claims for copyright infringement joined in this Complaint
22 are governed by the same legal rules and involve similar facts. Joinder of these
23 claims will promote the convenient administration of justice and will avoid a
24 multiplicity of separate, similar actions against T-Mobile.

25 29. Annexed as the Schedule and incorporated herein is a list identifying
26 fifty-six (56) of the many musical works whose copyrights were infringed by
27 Defendant. Each numbered claim has the following eight lines of information: Line
28 1 providing the claim number; Line 2 listing the title of the musical work related to

1 that claim; Line 3 identifying the writer(s) of the musical work; Line 4 noting the
2 publisher(s) of the musical work and the plaintiff(s) in this action pursuing the
3 claim at issue; Line 5 providing the date on which the copyright registration was
4 issued for the musical work; Line 6 indicating the Registration number(s); Line 7
5 showing some of the date(s) of infringement; and Line 8 identifying some of the
6 locations where the infringement occurred (all references to “Lines” are to lines on
7 the Schedule).

8 30. Each of the musical works identified on the Schedule, Line 2, was
9 created by the persons named on Line 3.

10 31. On or about the dates indicated on Line 5, the publishers named on
11 Line 4 (including any predecessors in interest), complied in all respects with the
12 requirements of the Copyright Act and received from the Register of Copyrights
13 Certificates of Registration bearing the numbers listed on Line 6.

14 32. On the dates listed on Line 7, Plaintiff BMI was and still is the licensor
15 of the public performing rights in the musical works identified on Line 2. On the
16 dates listed on Line 7, the Plaintiffs listed on Line 4 were and still are the owners of
17 the copyright in the respective musical work listed on Line 2.

18 33. On the dates listed on Line 7, T-Mobile transmitted, and publicly
19 performed and/or caused the musical works identified on Line 2 to be publicly
20 performed without a license or authorization to do so. Thus, T-Mobile has
21 committed copyright infringement of each of the musical works listed on the
22 Schedule.

23 34. T-Mobile performed and/or caused such musical works to be publicly
24 performed notwithstanding repeated warnings from Plaintiff BMI that T-Mobile’s
25 public performances without permission from the copyright owners did and would
26 constitute willful infringement of copyright in violation of Title 17 of the United
27 States Code.

28 35. The individual musical works cited herein are illustrative of at least

1 thousands of other infringements committed by T-Mobile of works owned by
2 plaintiff music publishers as well as numerous other music publishers affiliated
3 with BMI as to which BMI has been granted the authority to bring claims of
4 infringement.

5 **FIRST CLAIM FOR RELIEF**

6 **(Copyright Infringement, 17 U.S.C § 501 et seq.)**

7 36. Plaintiffs repeat and restate the allegations set forth in paragraphs 1
8 through 35 as though fully set forth herein.

9 37. The public performance by T-Mobile through its Caller Tunes service
10 of musical works in the BMI repertoire without permission from the copyright
11 owners of the works constitutes an infringement of copyright in violation of Title
12 17 of the United States Code.

13 38. The specific acts of copyright infringement alleged, as well as
14 T-Mobile entire course of conduct, have caused and are causing Plaintiffs great and
15 incalculable damage. By continuing to provide unauthorized public performances
16 of works in the BMI repertoire, T-Mobile threatens to continue committing
17 copyright infringement. Unless this Court restrains T-Mobile from committing
18 further acts of copyright infringement, Plaintiffs will suffer irreparable injury for
19 which they have no adequate remedy at law.

20 **SECOND CLAIM FOR RELIEF**

21 **(Contributory Copyright Infringement, 17 U.S.C. § 501 et seq.)**

22 39. Plaintiffs repeat and restate the allegations set forth in paragraphs 1
23 through 38 as though fully set forth herein.

24 40. In addition and in the alternative to T-Mobile's liability to plaintiffs for
25 direct infringement, T-Mobile, through its marketing of Caller Tunes, its hosting of
26 Caller Tunes files on its servers, and its transmission of Caller Tunes at the instance
27 of its subscribers, has induced and encouraged the direct infringement by its
28 subscribers of the musical works copyrights in the BMI repertoire.

1 41. T-Mobile is liable to plaintiffs as a contributory infringer.

2 **THIRD CLAIM FOR RELIEF**

3 **(Vicarious Copyright Infringement, 17 U.S.C. § 501)**

4 42. Plaintiffs repeat and restate the allegations set forth in paragraphs 1
5 through 41 as though fully set forth herein.

6 43. T-Mobile has profited from the direct infringements by its subscribers.

7 44. T-Mobile had and has the right and ability to stop the direct
8 infringements by its subscribers but has declined to do so.

9 45. In addition and in the alternative to T-Mobile's liability to plaintiffs for
10 direct and contributory infringement, T-Mobile is vicariously liable to plaintiffs for
11 the direct infringements by its subscribers.

12 **RELIEF REQUESTED**

13 WHEREFORE, Plaintiffs demand that:

14 1. Defendant T-Mobile, its agents, servants, employees, and all persons
15 acting under their permission and authority, be enjoined and restrained from
16 infringing, in any manner, the copyrighted musical works licensed by BMI, pursuant
17 to 17 U.S.C. § 502;

18 2. T-Mobile be ordered to pay statutory damages per claim of willful
19 infringement, pursuant to 17 U.S.C. § 504(c);

20 3. T-Mobile be ordered to pay costs, including reasonable attorney's fees,
21 pursuant to 17 U.S.C. § 505; and

22 4. That Plaintiffs have such other and further relief as is just and equitable.

23 DATED: December 18, 2009

RITA M. HAEUSLER
ALEX E. SPJUTE
HUGHES HUBBARD & REED LLP

24
25 By: 
26 Rita M. Haeusler
27 Attorney For Plaintiffs
28

SCHEDULE

Schedule

Line 1	Claim No.	1	
Line 2	Musical Composition	Bad Moon Rising	
Line 3	Writer(s)	John C. Fogerty	
Line 4	Publisher Plaintiff(s)	Concord Music Group, Inc. d/b/a Jondora Music	
Line 5	Date(s) of Registration	4/17/69	7/11/69
Line 6	Registration No(s).	Eu 110913	Ep 260524
Line 7	Date(s) of Infringement	10/30/09	12/11/09
Line 8	Place of Infringement	California and New York	

Line 1	Claim No.	2	
Line 2	Musical Composition	Ballad Of Jane	
Line 3	Writer(s)	Michael Cripps p/k/a Mick Cripps; Tracii Ulrich p/k/a Tracii Guns; Henri Perret p/k/a Kelly Nickels; Steve Riley; Philip Lewis	
Line 4	Publisher Plaintiff(s)	Universal - Songs of Polygram International, Inc.	
Line 5	Date(s) of Registration	8/28/89	
Line 6	Registration No(s).	PA 448-559	
Line 7	Date(s) of Infringement	10/29/09	12/11/09
Line 8	Place of Infringement	California and New York	

Line 1	Claim No.	3
Line 2	Musical Composition	Bennie And The Jets
Line 3	Writer(s)	Bernard Taupin; Elton John
Line 4	Publisher Plaintiff(s)	Universal - Songs of Polygram International, Inc.
Line 5	Date(s) of Registration	3/7/74
Line 6	Registration No(s).	Efo 170947
Line 7	Date(s) of Infringement	10/29/09 12/11/09
Line 8	Place of Infringement	California and New York

Line 1	Claim No.	4
Line 2	Musical Composition	Bitch
Line 3	Writer(s)	Mick Jagger; Keith Richard
Line 4	Publisher Plaintiff(s)	Abkco Music, Inc.
Line 5	Date(s) of Registration	8/9/71
Line 6	Registration No(s).	Ep 289675
Line 7	Date(s) of Infringement	10/30/09 12/11/09
Line 8	Place of Infringement	California and New York

Line 1	Claim No.	5
Line 2	Musical Composition	Born To Be Wild
Line 3	Writer(s)	Mars Bonfire
Line 4	Publisher Plaintiff(s)	Songs of Universal, Inc.
Line 5	Date(s) of Registration	10/10/68 2/5/68
Line 6	Registration No(s).	Ep 250554 Eu 35989
Line 7	Date(s) of Infringement	10/29/09 12/11/09
Line 8	Place of Infringement	California and New York

Line 1	Claim No.	6
Line 2	Musical Composition	Brown Sugar
Line 3	Writer(s)	Mick Jagger; Keith Richard
Line 4	Publisher Plaintiff(s)	Abkco Music, Inc.
Line 5	Date(s) of Registration	2/23/71 8/9/71
Line 6	Registration No(s).	Eu 235987 Ep 289673
Line 7	Date(s) of Infringement	10/30/09 12/11/09
Line 8	Place of Infringement	California and New York

Line 1	Claim No.	7
Line 2	Musical Composition	Californication
Line 3	Writer(s)	Anthony Kiedis; Michael Balzary p/k/a Flea; Chad Smith; John Frusciante
Line 4	Publisher Plaintiff(s)	Michael Balzary, John Anthony Frusciante, Anthony Kiedis and Chad Gaylord Smith, a partnership d/b/a Moebetoblame Music
Line 5	Date(s) of Registration	3/29/99
Line 6	Registration No(s).	PAu 2-357-353
Line 7	Date(s) of Infringement	10/30/09 12/11/09
Line 8	Place of Infringement	California and New York

Line 1	Claim No.	8
Line 2	Musical Composition	Candle In The Wind
Line 3	Writer(s)	Bernard Taupin; Elton John
Line 4	Publisher Plaintiff(s)	Universal - Songs of Polygram International, Inc.
Line 5	Date(s) of Registration	3/7/74
Line 6	Registration No(s).	Efo 170947
Line 7	Date(s) of Infringement	10/29/09 12/11/09
Line 8	Place of Infringement	California and New York

Line 1	Claim No.	9
Line 2	Musical Composition	Change Is Gonna Come AKA A Change Is Gonna Come
Line 3	Writer(s)	Sam Cooke
Line 4	Publisher Plaintiff(s)	Abkco Music, Inc.
Line 5	Date(s) of Registration	1/6/92 6/25/92
Line 6	Registration No(s).	RE 570-151 RE 586-521
Line 7	Date(s) of Infringement	10/30/09 12/11/09
Line 8	Place of Infringement	California and New York

Line 1	Claim No.	10
Line 2	Musical Composition	Cheeseburger In Paradise
Line 3	Writer(s)	Jimmy Buffett
Line 4	Publisher Plaintiff(s)	James W. Buffett, an individual d/b/a Coral Reefer Music
Line 5	Date(s) of Registration	5/30/78
Line 6	Registration No(s).	PA 55-980
Line 7	Date(s) of Infringement	10/30/09 12/11/09
Line 8	Place of Infringement	California and New York

Line 1	Claim No.	11
Line 2	Musical Composition	Come Monday
Line 3	Writer(s)	Jimmy Buffett
Line 4	Publisher Plaintiff(s)	Songs of Universal, Inc.
Line 5	Date(s) of Registration	3/18/74
Line 6	Registration No(s).	Eu 469048
Line 7	Date(s) of Infringement	10/29/09 12/11/09
Line 8	Place of Infringement	California and New York

Line 1	Claim No.	12
Line 2	Musical Composition	Crocodile Rock
Line 3	Writer(s)	Elton John; Bernie Taupin
Line 4	Publisher Plaintiff(s)	Universal - Songs of Polygram International, Inc.
Line 5	Date(s) of Registration	11/17/72
Line 6	Registration No(s).	Efo 159444
Line 7	Date(s) of Infringement	10/29/09 12/11/09
Line 8	Place of Infringement	California and New York

Line 1	Claim No.	13
Line 2	Musical Composition	Daniel
Line 3	Writer(s)	Elton John; Bernie Taupin
Line 4	Publisher Plaintiff(s)	Universal - Songs of Polygram International, Inc.
Line 5	Date(s) of Registration	2/14/73
Line 6	Registration No(s).	Efo 161087
Line 7	Date(s) of Infringement	10/29/09 12/11/09
Line 8	Place of Infringement	California and New York

Line 1	Claim No.	14
Line 2	Musical Composition	Down On The Corner
Line 3	Writer(s)	John C. Fogerty
Line 4	Publisher Plaintiff(s)	Concord Music Group, Inc. d/b/a Jondora Music
Line 5	Date(s) of Registration	11/17/69
Line 6	Registration No(s).	Eu 149503
Line 7	Date(s) of Infringement	10/30/09 12/11/09
Line 8	Place of Infringement	California and New York

Line 1	Claim No.	15
Line 2	Musical Composition	Dreams
Line 3	Writer(s)	Stevie Nicks
Line 4	Publisher Plaintiff(s)	Stephanie Nicks, an individual d/b/a Welsh Witch Music
Line 5	Date(s) of Registration	4/1/77 8/22/77
Line 6	Registration No(s).	Eu 772675 Ep 373129
Line 7	Date(s) of Infringement	10/30/09 12/11/09
Line 8	Place of Infringement	California and New York

Line 1	Claim No.	16
Line 2	Musical Composition	Fortunate Son
Line 3	Writer(s)	John C. Fogerty
Line 4	Publisher Plaintiff(s)	Concord Music Group, Inc. d/b/a Jondora Music
Line 5	Date(s) of Registration	11/17/69 2/16/70
Line 6	Registration No(s).	Eu 149502 Ep 272078
Line 7	Date(s) of Infringement	10/30/09 12/11/09
Line 8	Place of Infringement	California and New York

Line 1	Claim No.	17
Line 2	Musical Composition	Get Off My Cloud AKA Get Off Of My Cloud
Line 3	Writer(s)	Mick Jagger; Keith Richard
Line 4	Publisher Plaintiff(s)	Abkco Music, Inc.
Line 5	Date(s) of Registration	9/28/65 7/6/70
Line 6	Registration No(s).	Eu 909853 Ep 274902
Line 7	Date(s) of Infringement	10/30/09 12/11/09
Line 8	Place of Infringement	California and New York

Line 1	Claim No.	18
Line 2	Musical Composition	Give It Away a/k/a Giveitaway
Line 3	Writer(s)	Anthony Kiedis; Michael Balzary a/k/a Flea; Chad Smith; John Frusciante
Line 4	Publisher Plaintiff(s)	Michael Balzary, John Anthony Frusciante, Anthony Kiedis and Chad Gaylord Smith, a partnership d/b/a Moebetoblame Music
Line 5	Date(s) of Registration	3/6/92
Line 6	Registration No(s).	PA 561-585
Line 7	Date(s) of Infringement	10/30/09 12/14/09
Line 8	Place of Infringement	California and New York

Line 1	Claim No.	19
Line 2	Musical Composition	Goodbye Yellow Brick Road
Line 3	Writer(s)	Elton John; Bernie Taupin
Line 4	Publisher Plaintiff(s)	Universal - Songs Of Polygram International, Inc.
Line 5	Date(s) of Registration	3/7/74
Line 6	Registration No(s).	Efo 170947
Line 7	Date(s) of Infringement	10/29/09 12/11/09
Line 8	Place of Infringement	California and New York

Line 1	Claim No.	20
Line 2	Musical Composition	Have You Ever Seen The Rain a/k/a Have You Ever Seen The Rain?
Line 3	Writer(s)	John C. Fogerty
Line 4	Publisher Plaintiff(s)	Concord Music Group, Inc. d/b/a Jondora Music
Line 5	Date(s) of Registration	12/10/70
Line 6	Registration No(s).	Eu 222228
Line 7	Date(s) of Infringement	10/30/09 12/11/09
Line 8	Place of Infringement	California and New York

Line 1	Claim No.	21
Line 2	Musical Composition	Heart Of Stone
Line 3	Writer(s)	Keith Richard; Mick Jagger
Line 4	Publisher Plaintiff(s)	Abkco Music, Inc.
Line 5	Date(s) of Registration	1/6/92 1/8/65
Line 6	Registration No(s).	RE 573-287 Ef 29753
Line 7	Date(s) of Infringement	10/30/09 12/14/09
Line 8	Place of Infringement	California and New York

Line 1	Claim No.	22
Line 2	Musical Composition	Honky Cat
Line 3	Writer(s)	Elton John; Bernie Taupin
Line 4	Publisher Plaintiff(s)	Universal - Songs Of Polygram International, Inc.
Line 5	Date(s) of Registration	6/19/72
Line 6	Registration No(s).	Efo 157240
Line 7	Date(s) of Infringement	10/29/09 12/11/09
Line 8	Place of Infringement	California and New York

Line 1	Claim No.	23
Line 2	Musical Composition	I've Been Loving You Too Long To Stop Now a/k/a I've Been Loving You Too Long
Line 3	Writer(s)	Otis Redding; Jerry Butler
Line 4	Publisher Plaintiff(s)	Rondor Music International, Inc d/b/a Irving Music
Line 5	Date(s) of Registration	1/4/93 1/4/93 8/1/69 4/29/65
Line 6	Registration No(s).	RE 608-237 RE 608-279 Ep 261627 Eu 880146
Line 7	Date(s) of Infringement	10/29/09 12/11/09
Line 8	Place of Infringement	California and New York

Line 1	Claim No.	24
Line 2	Musical Composition	Joy To The World
Line 3	Writer(s)	Hoyt Axton
Line 4	Publisher Plaintiff(s)	Rondor Music International, Inc. d/b/a Irving Music
Line 5	Date(s) of Registration	11/20/70 4/12/71
Line 6	Registration No(s).	Eu 218428 Ep 284915
Line 7	Date(s) of Infringement	10/29/09 12/11/09
Line 8	Place of Infringement	California and New York

Line 1	Claim No.	25
Line 2	Musical Composition	Let's Spend The Night Together
Line 3	Writer(s)	Mick Jagger; Keith Richard
Line 4	Publisher Plaintiff(s)	Abkco Music, Inc.
Line 5	Date(s) of Registration	1/16/67 7/6/70
Line 6	Registration No(s).	Eu 978269 Ep 274901
Line 7	Date(s) of Infringement	10/30/09 12/14/09
Line 8	Place of Infringement	California and New York

Line 1	Claim No.	26
Line 2	Musical Composition	Losing My Religion
Line 3	Writer(s)	William T. Berry; Peter Lawrence Buck; Mike Mills; Michael Stipe
Line 4	Publisher Plaintiff(s)	Night Garden Music, A Division of R.E.M./Athens, Ltd.
Line 5	Date(s) of Registration	7/31/91
Line 6	Registration No(s).	PA 541-342
Line 7	Date(s) of Infringement	10/29/09 12/11/09
Line 8	Place of Infringement	California and New York

Line 1	Claim No.	27
Line 2	Musical Composition	Margaritaville
Line 3	Writer(s)	James William Buffett a/k/a Jimmy Buffett
Line 4	Publisher Plaintiff(s)	James W. Buffett, an individual d/b/a Coral Reefer Music
Line 5	Date(s) of Registration	2/14/77 2/22/80
Line 6	Registration No(s).	Eu 763463 PA 59-700
Line 7	Date(s) of Infringement	10/30/09 12/11/09
Line 8	Place of Infringement	California and New York

Line 1	Claim No.	28
Line 2	Musical Composition	Mother's Little Helper
Line 3	Writer(s)	Mick Jagger; Keith Richard
Line 4	Publisher Plaintiff(s)	Abkco Music, Inc.
Line 5	Date(s) of Registration	1/27/66 7/6/70
Line 6	Registration No(s).	Eu 922163 Ep 274943
Line 7	Date(s) of Infringement	10/30/09 12/14/09
Line 8	Place of Infringement	California and New York

Line 1	Claim No.	29
Line 2	Musical Composition	Mustang Sally
Line 3	Writer(s)	Bonny Rice
Line 4	Publisher Plaintiff(s)	Fourteenth Hour Music Inc.; Springtime Music, Inc.
Line 5	Date(s) of Registration	4/27/93 3/22/65
Line 6	Registration No(s).	RE 627-422 Eu 873659
Line 7	Date(s) of Infringement	11/2/09 12/11/09
Line 8	Place of Infringement	California and New York

Line 1	Claim No.	30
Line 2	Musical Composition	Proud Mary
Line 3	Writer(s)	John C. Fogerty
Line 4	Publisher Plaintiff(s)	Concord Music Group, Inc. d/b/a Jondora Music
Line 5	Date(s) of Registration	12/27/68 7/11/69
Line 6	Registration No(s).	Eu 91333 Ep 260526
Line 7	Date(s) of Infringement	10/30/09 12/11/09
Line 8	Place of Infringement	California and New York

Line 1	Claim No.	31
Line 2	Musical Composition	Radio Song
Line 3	Writer(s)	William T. Berry; Peter Lawrence Buck; Mike Mills; Michael Stipe
Line 4	Publisher Plaintiff(s)	Night Garden Music, A Division of R.E.M./Athens, Ltd.
Line 5	Date(s) of Registration	7/31/91
Line 6	Registration No(s).	PA 541-336
Line 7	Date(s) of Infringement	10/29/09 12/11/09
Line 8	Place of Infringement	California and New York

Line 1	Claim No.	32
Line 2	Musical Composition	Rocket Man
Line 3	Writer(s)	Elton John; Bernie Taupin
Line 4	Publisher Plaintiff(s)	Universal - Songs of Polygram International, Inc.
Line 5	Date(s) of Registration	5/8/72
Line 6	Registration No(s).	Efo 156255
Line 7	Date(s) of Infringement	10/29/09 12/11/09
Line 8	Place of Infringement	California and New York

Line 1	Claim No.	33
Line 2	Musical Composition	Rubberband Man a/k/a The Rubberband Man
Line 3	Writer(s)	Linda Creed; Thomas Bell
Line 4	Publisher Plaintiff(s)	Warner-Tamerlane Publishing Corp.
Line 5	Date(s) of Registration	6/10/76 10/18/76
Line 6	Registration No(s).	Eu 710509 Ep 359209
Line 7	Date(s) of Infringement	10/29/09 12/11/09
Line 8	Place of Infringement	California and New York

Line 1	Claim No.	34
Line 2	Musical Composition	Scar Tissue
Line 3	Writer(s)	Anthony Kiedis; Michael Balzary; Chad Smith; John Frusciante
Line 4	Publisher Plaintiff(s)	Michael Balzary, John Anthony Frusciante, Anthony Kiedis and Chad Gaylord Smith, a partnership d/b/a Moebetoblame Music
Line 5	Date(s) of Registration	4-5-99
Line 6	Registration No(s).	PAu 2-391-891
Line 7	Date(s) of Infringement	10/30/09 12/14/09
Line 8	Place of Infringement	California and New York

Line 1	Claim No.	35
Line 2	Musical Composition	Shambala
Line 3	Writer(s)	Daniel Moore
Line 4	Publisher Plaintiff(s)	Songs of Universal, Inc.
Line 5	Date(s) of Registration	4/9/73 6/6/73
Line 6	Registration No(s).	Eu 398898 Ep 312773
Line 7	Date(s) of Infringement	10/29/09 12/11/09
Line 8	Place of Infringement	California and New York

Line 1	Claim No.	36
Line 2	Musical Composition	Shiny Happy People
Line 3	Writer(s)	William T. Berry; Peter Lawrence Buck; Mike Mills; Michael Stipe
Line 4	Publisher Plaintiff(s)	Night Garden Music, A Division of R.E.M./Athens, Ltd.
Line 5	Date(s) of Registration	7/31/91
Line 6	Registration No(s).	PA 541-344
Line 7	Date(s) of Infringement	10/29/09 12/11/09
Line 8	Place of Infringement	California and New York

Line 1	Claim No.	37
Line 2	Musical Composition	Street Fighting Man
Line 3	Writer(s)	Mick Jagger; Keith Richard
Line 4	Publisher Plaintiff(s)	Abkco Music, Inc.
Line 5	Date(s) of Registration	8/26/68 7/6/70
Line 6	Registration No(s).	Eu 70720 Ep 274930
Line 7	Date(s) of Infringement	10/30/09 12/14/09
Line 8	Place of Infringement	California and New York

Line 1	Claim No.	38
Line 2	Musical Composition	Suck My Kiss
Line 3	Writer(s)	Anthony Kiedis; Michael Balzary; Chad Smith; John Frusciante
Line 4	Publisher Plaintiff(s)	Michael Balzary, John Anthony Frusciante, Anthony Kiedis and Chad Gaylord Smith, a partnership d/b/a Moebetoblame Music
Line 5	Date(s) of Registration	3/6/92
Line 6	Registration No(s).	PA 560-919
Line 7	Date(s) of Infringement	10/30/09 12/14/09
Line 8	Place of Infringement	California and New York

Line 1	Claim No.	39
Line 2	Musical Composition	Who'll Stop The Rain
Line 3	Writer(s)	John C. Fogerty
Line 4	Publisher Plaintiff(s)	Concord Music Group, Inc. d/b/a Jondora Music
Line 5	Date(s) of Registration	1/12/70 2/16/70
Line 6	Registration No(s).	Eu 156192 Ep 271324
Line 7	Date(s) of Infringement	10/30/09 12/11/09
Line 8	Place of Infringement	California and New York

Line 1	Claim No.	40
Line 2	Musical Composition	Why I Sing The Blues
Line 3	Writer(s)	B.B. King; Dave Clark
Line 4	Publisher Plaintiff(s)	Universal Music MGB NA LLC d/b/a Universal Music Careers; Songs of Universal, Inc.
Line 5	Date(s) of Registration	4/23/69
Line 6	Registration No(s).	Eu 125357
Line 7	Date(s) of Infringement	10/29/09 12/11/09
Line 8	Place of Infringement	California and New York

Line 1	Claim No.	41
Line 2	Musical Composition	Wild Horses
Line 3	Writer(s)	Mick Jagger; Keith Richard
Line 4	Publisher Plaintiff(s)	Abkco Music, Inc.
Line 5	Date(s) of Registration	4/24/70 8/9/71
Line 6	Registration No(s).	Eu 180744 Ep 289676
Line 7	Date(s) of Infringement	10/30/09 12/11/09
Line 8	Place of Infringement	California and New York

Line 1	Claim No.	42
Line 2	Musical Composition	You Are Not Alone
Line 3	Writer(s)	Robert Kelly
Line 4	Publisher Plaintiff(s)	Universal Music-Z Tunes LLC d/b/a Universal Music Z Songs
Line 5	Date(s) of Registration	1/29/96
Line 6	Registration No(s).	PA 789-976
Line 7	Date(s) of Infringement	10/29/09 12/11/09
Line 8	Place of Infringement	California and New York

Line 1	Claim No.	43
Line 2	Musical Composition	Breaking The Girl
Line 3	Writer(s)	Anthony Kiedis; Michael Balzary; Chad Smith; John Frusciante
Line 4	Publisher Plaintiff(s)	Michael Balzary, John Anthony Frusciante, Anthony Kiedis and Chad Gaylord Smith, a partnership d/b/a Moebetoblame Music
Line 5	Date(s) of Registration	3/6/92
Line 6	Registration No(s).	PA 568-699
Line 7	Date(s) of Infringement	10/30/09 12/11/09
Line 8	Place of Infringement	California and New York

Line 1	Claim No.	44
Line 2	Musical Composition	Other Side a/k/a Otherside
Line 3	Writer(s)	Michael Balzary, John Frusciante, Anthony Kiedis, Chad Smith
Line 4	Publisher Plaintiff(s)	Michael Balzary, John Anthony Frusciante, Anthony Kiedis and Chad Gaylord Smith, a partnership d/b/a Moebetoblame Music
Line 5	Date(s) of Registration	3/30/99
Line 6	Registration No(s).	PAu 2-390-367
Line 7	Date(s) of Infringement	10/30/09 12/14/09
Line 8	Place of Infringement	California and New York

Line 1	Claim No.	45
Line 2	Musical Composition	Around The World
Line 3	Writer(s)	Anthony Kiedis, Michael Balzary, John Frusciante, Chad Smith
Line 4	Publisher Plaintiff(s)	Michael Balzary, John Anthony Frusciante, Anthony Kiedis and Chad Gaylord Smith, a partnership d/b/a Moebetoblame Music
Line 5	Date(s) of Registration	3/30/99
Line 6	Registration No(s).	PAu 2-390-376
Line 7	Date(s) of Infringement	10/30/09 12/11/09
Line 8	Place of Infringement	California and New York

Line 1	Claim No.	46
Line 2	Musical Composition	I Alone
Line 3	Writer(s)	Patrick Dahlheimer, Chad Taylor, Edward Kowalczyk, Chad Gracey
Line 4	Publisher Plaintiff(s)	Universal Music MGB NA LLC d/b/a Universal Music Careers
Line 5	Date(s) of Registration	4/29/94
Line 6	Registration No(s).	PA 720-662
Line 7	Date(s) of Infringement	10/29/09 12/11/09
Line 8	Place of Infringement	California and New York

Line 1	Claim No.	47
Line 2	Musical Composition	By The Way
Line 3	Writer(s)	Anthony Kiedis; Michael Balzary; Chad Smith; John Frusciante
Line 4	Publisher Plaintiff(s)	Michael Balzary, John Anthony Frusciante, Anthony Kiedis and Chad Gaylord Smith, a partnership d/b/a Moebetoblame Music
Line 5	Date(s) of Registration	7/29/02
Line 6	Registration No(s).	PA 1-060-611
Line 7	Date(s) of Infringement	10/30/09 12/11/09
Line 8	Place of Infringement	California and New York

Line 1	Claim No.	48
Line 2	Musical Composition	Zephyr Song a/k/a The Zephyr Song
Line 3	Writer(s)	Anthony Kiedis; Michael Balzary; Chad Smith; John Frusciante
Line 4	Publisher Plaintiff(s)	Michael Balzary, John Anthony Frusciante, Anthony Kiedis and Chad Gaylord Smith, a partnership d/b/a Moebetoblame Music
Line 5	Date(s) of Registration	7/29/02
Line 6	Registration No(s).	PA 1-060-608
Line 7	Date(s) of Infringement	10/30/09 12/11/09
Line 8	Place of Infringement	California and New York

Line 1	Claim No.	49
Line 2	Musical Composition	Are You Ready For Love
Line 3	Writer(s)	Thomas Bell; LeRoy Bell; Casey James
Line 4	Publisher Plaintiff(s)	Warner-Tamerlane Publishing Corp.
Line 5	Date(s) of Registration	9/26/77 6/13/79
Line 6	Registration No(s).	Eu 827427 PA 47-092
Line 7	Date(s) of Infringement	10/29/09 12/11/09
Line 8	Place of Infringement	California and New York

Line 1	Claim No.	50
Line 2	Musical Composition	I'll Be Around
Line 3	Writer(s)	Thomas Bell; Phil Hurtt
Line 4	Publisher Plaintiff(s)	Warner-Tamerlane Publishing Corp.
Line 5	Date(s) of Registration	3/26/73
Line 6	Registration No(s).	Ep 310074
Line 7	Date(s) of Infringement	10/29/09 12/11/09
Line 8	Place of Infringement	California and New York

Line 1	Claim No.	51
Line 2	Musical Composition	One More Chance
Line 3	Writer(s)	Robert Kelly
Line 4	Publisher Plaintiff(s)	Universal Music-Z Tunes LLC d/b/a Universal Music Z Songs
Line 5	Date(s) of Registration	3/12/04
Line 6	Registration No(s).	PA 1-158-894
Line 7	Date(s) of Infringement	10/29/09 12/11/09
Line 8	Place of Infringement	California and New York

Line 1	Claim No.	52
Line 2	Musical Composition	Dani California
Line 3	Writer(s)	Anthony Kiedis; Michael Balzary; Chad Smith; John Frusciante
Line 4	Publisher Plaintiff(s)	Michael Balzary, John Anthony Frusciante, Anthony Kiedis and Chad Gaylord Smith, a partnership d/b/a Moebetoblame Music
Line 5	Date(s) of Registration	6/1/06
Line 6	Registration No(s).	PA 1-334-481
Line 7	Date(s) of Infringement	10/30/09 12/14/09
Line 8	Place of Infringement	California and New York

Line 1	Claim No.	53
Line 2	Musical Composition	Tell Me Baby
Line 3	Writer(s)	Anthony Kiedis; Michael Balzary; Chad Smith; John Frusciante
Line 4	Publisher Plaintiff(s)	Michael Balzary, John Anthony Frusciante, Anthony Kiedis and Chad Gaylord Smith, a partnership d/b/a Moebetoblame Music
Line 5	Date(s) of Registration	6/1/06
Line 6	Registration No(s).	PA 1-334-496
Line 7	Date(s) of Infringement	10/30/09 12/14/09
Line 8	Place of Infringement	California and New York

Line 1	Claim No.	54
Line 2	Musical Composition	Snow Hey Oh
Line 3	Writer(s)	Anthony Kiedis; Michael Balzary, Chad Smith; John Frusciante
Line 4	Publisher Plaintiff(s)	Michael Balzary, John Anthony Frusciante, Anthony Kiedis and Chad Gaylord Smith, a partnership d/b/a Moebetoblame Music
Line 5	Date(s) of Registration	6/1/06
Line 6	Registration No(s).	PA 1-334-482
Line 7	Date(s) of Infringement	10/30/09 12/11/09
Line 8	Place of Infringement	California and New York

Line 1	Claim No.	55
Line 2	Musical Composition	Can't Stop
Line 3	Writer(s)	Anthony Kiedis; Michael Balzary; Chad Smith; John Frusciante
Line 4	Publisher Plaintiff(s)	Michael Balzary, John Anthony Frusciante, Anthony Kiedis and Chad Gaylord Smith, a partnership d/b/a Moebetoblame Music
Line 5	Date(s) of Registration	7/29/02
Line 6	Registration No(s).	PA 1-060-605
Line 7	Date(s) of Infringement	10/30/09 12/11/09
Line 8	Place of Infringement	California and New York

Line 1	Claim No.	56
Line 2	Musical Composition	O Come All Ye Faithful
Line 3	Writer(s)	Paul O'Neill
Line 4	Publisher Plaintiff(s)	Warner-Tamerlane Publishing Corp.; Paul F. O'Neill, an individual d/b/a Paul O'Neill Publishing
Line 5	Date(s) of Registration	11/26/04
Line 6	Registration No(s).	PA 1-262-554
Line 7	Date(s) of Infringement	10/29/09 12/11/09
Line 8	Place of Infringement	California and New York

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY

This case has been assigned to District Judge Ronald S. W. Lew and the assigned discovery Magistrate Judge is Jacqueline Chooljian.

The case number on all documents filed with the Court should read as follows:

CV09- 9316 RSWL (JCx)

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

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NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:

Western Division
312 N. Spring St., Rm. G-8
Los Angeles, CA 90012

Southern Division
411 West Fourth St., Rm. 1-053
Santa Ana, CA 92701-4516

Eastern Division
3470 Twelfth St., Rm. 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

AO 440 (Rev. 12/09) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the
CENTRAL DISTRICT OF CALIFORNIA

BROADCAST MUSIC, INC., a New York corporation;
CONCORD MUSIC, GROUP, INC., a Delaware corporation, d/b/a JONDORA MUSIC in California;
UNIVERSAL-SONGS OF POLYGRAM INTERNATIONAL, INC., a Delaware corporation;
ABKCO MUSIC, INC., a New York corporation; SONGS OF UNIVERSAL, INC., a California corporation;
MOEBETOBLAME MUSIC, a California partnership;
CORAL REEFER MUSIC a California sole proprietorship;
WELSH WITCH MUSIC, a California sole proprietorship;
WARNER-TAMERLANE PUBLISHING CORP., a California corporation; RONDOR MUSIC INTERNATIONAL, INC., a California corporation, d/b/a IRVING MUSIC; NIGHT GARDEN MUSIC, a division of R.E.M./ATHENS, LTD; FOURTEENTH HOUR MUSIC INC., a Michigan corporation; SPRINGTIME MUSIC, INC., a Michigan corporation; UNIVERSAL MUSIC MGB NA LLC, a California limited liability company, d/b/a UNIVERSAL MUSIC CAREERS; UNIVERSAL MUSIC-Z TUNES LLC, a New York limited liability company, d/b/a UNIVERSAL MUSIC Z SONGS; PAUL O'NEILL PUBLISHING,

Plaintiffs

v.

T-MOBILE USA, INC., a Delaware Corporation and DOES 1-10,

Defendants

CV09 09316 RSWL (JCx)
Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address)

T-MOBILE USA, INC.
12920 SE 38th Street
Bellevue, WA 98006

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — 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 or plaintiff's attorney, whose name and address are:

Rita M. Haeusler, Esq.
HUGHES HUBBARD & REED LLP
350 S. Grand Avenue, 36th Floor
Los Angeles, CA 90071-3442

Telephone: (213) 613-2800
Facsimile: (213) 613-2950

If you fail to respond, 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.

Date: DEC 18 2009

CLERK OF CHRISTOPHER ROWERS SEAL

Signature of Clerk or Deputy Clerk

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA CIVIL COVER SHEET

I (a) PLAINTIFFS (Check box if you are representing yourself) BROADCAST MUSIC, INC., a New York corporation; [additional Plaintiffs on Attachment] DEFENDANTS T-MOBILE USA, INC., a Delaware Corporation and DOES 1 -10 (b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.) Rita M. Haeusler (State Bar No. 110574) HUGHES HUBBARD & REED LLP 350 S. Grand Avenue, 36th Floor Los Angeles, California 90071-3442 Telephone: (213) 613-2800 Facsimile: (213) 613-2950 Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an X in one box only.) III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant.) PTF DEF PTF DEF Citizen of This State Citizen of Another State Citizen or Subject of a Foreign Country

IV. ORIGIN (Place an X in one box only.) X 1 Original Proceeding 2 Removed from State Court 3 Remanded from Appellate Court 4 Reinstated or Reopened 5 Transferred from another district (specify): 6 Multi-District Litigation 7 Appeal to District Judge from Magistrate Judge

V. REQUESTED IN COMPLAINT: JURY DEMAND: Yes No (Check 'Yes' only if demanded in complaint.) CLASS ACTION under F.R.C.P. 23: Yes No MONEY DEMANDED IN COMPLAINT: \$

VI. CAUSE OF ACTION (Cite the U. S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

VII. NATURE OF SUIT (Place an X in one box only.) OTHER-STATUTES CONTRACT REAL PROPERTY TORTS PERSONAL INJURY IMMIGRATION TORTS PERSONAL PROPERTY CIVIL RIGHTS PRISONER PETITIONS FORFEITURE / PENALTY LABOR PROPERTY RIGHTS SOCIAL SECURITY FEDERAL TAX SUITS

CV09 09316

FOR OFFICE USE ONLY: Case Number: AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

VIII(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? No Yes

If yes, list case number(s): _____

VIII(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? No Yes

If yes, list case number(s): _____

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) A. Arise from the same or closely related transactions, happenings, or events; or
 B. Call for determination of the same or substantially related or similar questions of law and fact; or
 C. For other reasons would entail substantial duplication of labor if heard by different judges; or
 D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. VENUE: (When completing the following information, use an additional sheet if necessary.)

(a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH named plaintiff resides.

Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles County	New York, Alameda County

(b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH named defendant resides.

Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
	Washington

(c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH claim arose.

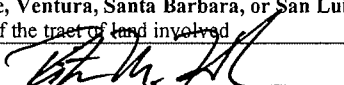
Note: In land condemnation cases, use the location of the tract of land involved.

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles County	

* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties

Note: In land condemnation cases, use the location of the tract of land involved

X. SIGNATURE OF ATTORNEY (OR PRO PER):


 Rita M. Haeusler

Date December 18, 2009

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3 -1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
ATTACHMENT TO CIVIL COVER SHEET

Additional Plaintiffs:

CONCORD MUSIC, GROUP, INC., a Delaware corporation, d/b/a JONDORA MUSIC in California; UNIVERSAL-SONGS OF POLYGRAM INTERNATIONAL, INC., a Delaware corporation; ABKCO MUSIC, INC., a New York corporation; SONGS OF UNIVERSAL, INC., a California corporation; MOEBETOBLAME MUSIC, a California partnership; CORAL REEFER MUSIC a California sole proprietorship; WELSH WITCH MUSIC, a California sole proprietorship; WARNER-TAMERLANE PUBLISHING CORP., a California corporation; RONDOR MUSIC INTERNATIONAL, INC., a California corporation, d/b/a IRVING MUSIC; NIGHT GARDEN MUSIC, a division of R.E.M./ATHENS, LTD; FOURTEENTH HOUR MUSIC INC., a Michigan corporation; SPRINGTIME MUSIC, INC., a Michigan corporation; UNIVERSAL MUSIC MGB NA LLC, a California limited liability company, d/b/a UNIVERSAL MUSIC CAREERS; UNIVERSAL MUSIC-Z TUNES LLC, a New York limited liability company, d/b/a UNIVERSAL MUSIC Z SONGS; PAUL O'NEILL PUBLISHING