George Clinton v. Will Adams et al Doc. 78 Att. 1

DECLARATION OF CRAIG MARSHALL

I, Craig Marshall, declare as follows:

1. I am currently an attorney at Manatt Phelps & Phillips LLP. I have firsthand, personal knowledge of the matters stated herein and, if called as a witness, would and could competently testify thereto.

2. From 1997 to 2001, I was Senior Director of Business Affairs for Priority Records. In 2001, Capitol Records acquired Priority Records and I held the same position for Capitol Records through 2006.

3. During the years of my employment, I understood that Priority and then Capitol had the right to exploit master recordings by George Clinton as a result of a 1993 license agreement Priority entered into with Tercer Mundo, Inc. A true and correct copy of that license agreement is attached hereto as Exhibit 1. Pursuant to that license agreement, Priority and Capitol released records embodying Clinton's masters during the time I worked for the two companies.

4. In or around 2003, I was contacted by a representative of The Black Eyed Peas seeking a license to use a sample of the George Clinton master *(Not Just) Knee Deep* in a remix version of The Black Eyed Peas song *Shut Up*.

5. On behalf of Capitol, I negotiated that license with the Black Eyed Peas' representative, which provided for an advance to be paid to Capitol in the amount of $12,000. Attached hereto as Exhibit 2 is a true and correct copy of a check in the amount of $12,000 provided by Universal Music Group to Capitol as the advance.

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6. At the time I authorized the use, I believed that Capitol had the right to enter into licenses for use of Mr. Clinton's masters, including but not limited to *(Not Just) Knee Deep*.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct and that this declaration is executed in Los Angeles, California, on February 29, 2012.

Craig Marshall