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10 UNITED STATES DISTRICT COURT
 11 CENTRAL DISTRICT OF CALIFORNIA

12 GEORGE CLINTON,
 13 an individual,
 14 Plaintiff,
 15 v.
 16 WILL ADAMS, p/k/a WILL I AM,
 17 individually, et al.
 18 Defendants.

Case No. CV 10-09476-ODW-PLA

The Honorable Otis S. Wright II

**DECLARATION OF EBAN
 KELLY**

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DECLARATION OF EBAN KELLY

I, Eban Kelly, declare under penalty of perjury of the laws of the State of California as follows:

1. I am an individual resident of the State of Maryland having a residence in Maryland, ~~Virginia~~. I am the same Eban Kelly that the named Defendants in this action refer to in their various pleadings, including their pending pleadings which ask this Court to enter summary judgment in favor of the Defendants. I have personal information on the topics at issue in this action, agree to present testimony in this action on behalf of the Plaintiff, George Clinton, if requested to do so, and hereby state and affirm as follows:

2. I have enjoyed a long and historical association with George Clinton and other members of the Parliament and Funkadelic musical groups and am proud to say that I have been of service to George Clinton in many capacities. However, at no time in the past (including for any issue relating to the present legal action for the musical work, Not Just Knee Deep) have I ever been appointed, authorized, or allowed to function as George Clinton's agent or other authorized representative having either the permission or authority to grant any type of license, permission, or consent to any third party whatsoever to use or sample George Clinton's musical works in any capacity or reuse, include Not Just Knee Deep.

3. Based upon my review of documents filed in this action and the Defendants efforts to dismiss the claims brought by George Clinton, it is my understanding that this is exactly what the named Defendants are asserting that I somehow granted or bestowed upon them as a defense to George Clinton's claim for copyright infringement. It is my clear and unequivocal statement that the position or conduct that the named Defendants are attributing to me is neither truthful nor accurate, that the Defendants have never contacted me to ascertain

1 whether or not it is truthful, and if they had contacted me about this issue, I would
2 have told them that it is not accurate or truthful.

3 4. More particularly, I hereby state that legal counsel for the named
4 Defendants have contacted me in the past regarding this same issue, but never
5 bothered to actually depose me under oath on these topics for reasons that are oinly
6 known to them. If I had been deposed on these issues and topics by the
7 Defendants, I would have stated exactly as follows: Completely contrary to the
8 false assertions now made by the named Defendants and their legal counsel that
9 one or more of the Defendants received some type of license, permission, or
10 consent from either: (i) myself, (ii) some business entity affiliated with me, (iii) an
11 individual named Ian Allen, (iv) some business entity affiliated with Ian Allen
12 including Now or Later Incorporated, and/or (v) some other third party claiming or
13 purporting to be authorized or otherwise having the authority of George Clinton, it
14 is my sworn statement that absolutely none of the named Defendants ever received
15 any type of license, permission, or consent from me in any form which would have
16 given the Defendants any type of belief or assurance, reasonable or otherwise, that
17 they had any type of authority, license, consent, or permission to use or utilize any
18 of the musical works or sound recordings of George Clinton, including the Not Just
19 Knee Deep work at issue in this case.
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21 5. On this precise point, I never had, possessed, or claimed to possess any
22 authority or ability to bind or authorize anyone, including the named Defendants,
23 to use or utilize any of the musical works or sound recordings of George Clinton.
24 In fact, to the best of my knowledge, only George Clinton could give anyone such
25 authority, especially for the Not Just Knee Deep work or sound recording which
26 was clearly deemed to be owned by George Clinton in a very public ruling by
27 Judge Real of the U.S. District Court for the Central District of California.
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1 6. To the extent that the Defendants in this case, or at least their lawyers,
2 are now trying to claim that they somehow had a "license" from George Clinton
3 from any form, that statement and position is an absolute falsehood. No such
4 permission or license has ever existed and the Defendants know this for the simple
5 reason that the Defendants unauthorized use of George Clinton's works.

6 7. Further, to the extent that the named Defendants are somehow
7 claiming that they received some type of license, permission, or consent to use any
8 musical work or sound recording associated with George Clinton, including Not
9 Just Knee Deep by or through an individual known as Ian Allen or his company
10 Now or Later Incorporated of New York, New York, this position is completely
11 without merit and is, in fact, an absolute falsehood and lie before this Court.
12 Neither Ian Allen or Now or Later Incorporated has ever had any type of
13 relationship with George Clinton which would give rise to any type of belief that
14 any consent or authority could be given be either Ian Allen or Now or Later
15 Incorporated to bind or license George Clinton or his musical works in any
16 manner.

17 8. In fact, based upon my personal knowledge of Ian Allen, he is actually
18 employed and has had a longstanding business relationship with Interscope
19 Records, which is an affiliate and related company of Universal Music – one of the
20 named Defendants in this action who is asking this Court to dismiss George
21 Clinton's claims. I urge the Court to see this deceitful canard for what it clearly is.
22 At least Defendant Universal Music is claiming that it "paid" Ian Allen (or one of
23 his companies) to obtain a license to George Clinton's music when Defendant
24 Universal Music also has the same individual, Ian Allen, on its own payroll
25 through Interscope Records. It is my understanding that none of the named
26 Defendants have told the Court of these facts and I believe that this is one of the
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1 reasons why the lawyers for the Defendants did not depose me even after they
2 contacted me.

3 9. It is my sworn statement that the real and actual facts of the prior
4 dealings between the parties are as follows: I was contacted about the possibility
5 of licensing the Not Just Knee Deep work and, on or about May 7, 2009, I relayed
6 this overture to George Clinton which offered a license with LaStrada
7 Entertainment Company to utilize Clinton's Not Just Knee Deep work in a work by
8 the Black Eyed Peas musical group. I do remember receiving a proposed license
9 agreement and I forwarded the document to George Clinton at his residence in
10 Tallahassee, Florida for his review. It is my recollection that George Clinton
11 rejected this overture and no such license was made or agreed to at anytime.
12

13 10. Nevertheless, during the course of this dispute and legal action, I have
14 become aware that there is a letter dated August 17, 2009 from DMG Clearances to
15 George Clinton with the terms of such a supposed license, that is allegedly signed
16 by George Clinton, a W-2 form allegedly signed by George Clinton, a check for
17 \$15,000 made payable to C-Kunspyruzy (which is a George Clinton company, but
18 not necessarily the owner of the Not Just Knee Deep work), and a cover letter for
19 the check to the Eban Multimedia Group.

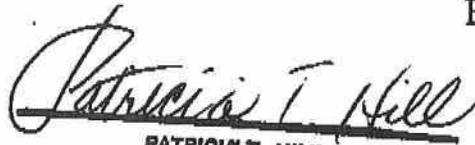
20 11. It is my sworn statement that the purported licensing agreement and
21 August 17, 2009 letter is a forgery and that, to the best of my knowledge, George
22 Clinton did not sign any such documents and I was not involved in any efforts to
23 have George Clinton sign such documents since they were never authorized or
24 approved by George Clinton. To the extent that a \$15,000 check was issued by
25 any of the Defendants, I do not know who received such a check and if such a
26 payment was eventually made to Ian Allen or one of his companies, there was no
27 authority to bind George Clinton and Ian Allen is actually on the payroll of
28 Universal Music.

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I have personal knowledge of the facts set forth above and I could and would testify as to the facts set forth above if called as a witness.

Executed this 17 day of March, 2012.


Eban Kelly


PATRICIA J. HILL
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires March 22, 2013