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9 **UNITED STATES DISTRICT COURT**
10 **CENTRAL DISTRICT OF CALIFORNIA**
11 **WESTERN DIVISION**

12 GOOD MORNING TO YOU
13 PRODUCTIONS CORP., *et al.*,

14 Plaintiffs,

15 v.

16 WARNER/CHAPPELL MUSIC,
17 INC., *et al.*

18 Defendants.
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) Case No. CV 13-04460-GHK (MRWx)

) **NOTICE OF MOTION AND MOTION**
) **FOR ORDER: (i) OVERRULING**
) **DEFENDANTS' CLAIM OF**
) **PRIVILEGE IN DOCUMENTS**
) **PRODUCED BY A NON-PARTY, OR**
) **PERMITTING A SECOND RULE**
) **30(B)(6) DEPOSITION TO**
) **DETERMINE THE FACTUAL BASIS**
) **FOR THAT CLAIM; (ii) GRANTING**
) **RELIEF FROM THE DISCOVERY**
) **CUT-OFF TO CONDUCT THAT**
) **DEPOSITION; (iii); AND**
) **[PROPOSED] ORDER THEREON**

) Date: July 25, 2014
) Time: 9:30 A.M.
) Judge: Hon. Michael R. Wilner
) Room: H-9th Floor
) Disc. Cutoff: July 11, 2014
) Pretrial Conf.: N/A
) Trial Date: N/A
) L/D File Jt. MSJ: 11/14/14

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1 **TO THE COURT, ALL PARTIES, AND THEIR RESPECTIVE**
2 **ATTORNEYS OF RECORD:**

3 **PLEASE TAKE NOTICE** that on July 25, 2014, at 9:30 a.m., or as soon
4 thereafter as this matter may be heard before the Honorable Michael R. Wilner in
5 Courtroom H-9th Floor of this Court, located at 111 N. Spring Street, Los Angeles,
6 California, plaintiffs Good Morning To You Productions Corp., Robert Siegel,
7 Rupa Marya d/b/a Rupa & The April Fishes, and Majar Productions, LLC
8 (“Plaintiffs”), will, and hereby do, move this Court pursuant to Federal Rule of
9 Civil Procedure 26(b)(5)(B) for an order overruling the claim of privilege by
10 defendants Warner/Chappell Music, Inc. and Summy-Birchard, Inc.
11 (“Defendants”), to certain documents produced by non-party American Society of
12 Composers, Authors and Publishers, or permitting a Rule 30(b)(6) deposition to
13 determine the factual basis for that claim of privilege. On July 9, 2014, the Court
14 granted Plaintiffs’ *Ex Parte* Application to permit the relief sought by this Motion
15 to be heard (Dkt. 119) and also granted the parties’ request to file the Local Rule
16 37-2 Joint Stipulation, accompanying declarations and evidentiary exhibits under
17 seal without a separate application.

18 This Motion is based upon this notice of motion, the parties’ Local Rule 37-
19 2 Joint Stipulation, the declarations of Mark C. Rifkin and Betsy C. Manifold in
20 Support of Plaintiffs’ Motion, all pleadings, discovery, memorandum of points and
21 authorities, supplemental memoranda of law, oral or documentary evidence
22 proffered in support thereof, arguments of counsel, and any other matters as the
23 Court deems proper.

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1 This Motion is made following the conference of counsel pursuant to Local
2 Rule 37-1, which took place on June 16, 2014.

3 Dated: July 15, 2014

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4 By: /s/ Betsy C. Manifold
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