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9 *Interim Lead Counsel for Plaintiffs and the [Proposed] Class*

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

14 GOOD MORNING TO YOU) Lead Case No. CV 13-04460-GHK (MRWx)
 15 PRODUCTIONS CORP., *et al.*,)
 16 Plaintiffs,) **PLAINTIFFS' AMENDED NOTICE OF**
 17) **LODGING NON-PAPER PHYSICAL**
 18 v.) **EXHIBITS [Nos. 15, 25, 26, 30, 35 & 41]**
 19) **AND MANUAL FILING OF UNUSUAL**
 20 WARNER/CHAPPELL MUSIC,) **EXHIBITS [Nos. 12, 19, 22, 44, 48, 55, 56,**
 INC., *et al.*) **57, 61, 67, 68 & 73] OF AMENDED**
 21 Defendants.) **JOINT EVIDENTIARY APPENDIX IN**
 22) **SUPPORT OF NOTICE OF CROSS-**
 23) **MOTIONS AND CROSS-MOTIONS**
 24) **FOR SUMMARY JUDGMENT [L.R. 5-**
 25) **4.2 & 11-5]**
 26)
 27) Date: January 26, 2015
) Time: 9:30 a.m.
) Room: 650
) Judge: Hon. George H. King,
) Chief Judge

1 **TO ALL PARTIES AND THEIR RESPECTIVE COUNSEL OF**
2 **RECORD:**

3 Pursuant to the Court’s Minute Order re: (1) Joint Application to File Under
4 Seal [Unredacted] Exhibits of the Joint Evidentiary Appendix; (2) Notice of Manual
5 Filing [Dkt. 167] dated December 4, 2014 [Dkt. 185] (hereafter “Minute Order”),
6 Plaintiffs hereby file this Amended Notice of Lodging Non-Paper Physical Exhibits
7 [Nos. 15, 25, 26, 30, 35 & 41] and Manual Filing of Unusual Exhibits [Nos. 12, 19,
8 22, 44, 48, 55, 56, 57, 61, 67, 68 & 73].

9 The Exhibits are part of the parties’ Amended Joint Evidentiary Appendix in
10 Support of Notice of Cross-Motions and Cross-Motions for Summary Judgment
11 (hereafter “Joint Appendix” or “Jt. App’x”) filed Pursuant to the Court’s December
12 5, 2014 Order [*see* Dkts. 187 (Vol. 1), 188 (Vol. 2), 189 (Vol. 3), 190 (Vol. 4), 191
13 (Vol. 5), 192 (Vol. 6), 193 (Vol. 7) & 194 (Vol. 8)].

14 Local Rule (“L.R.”) 5-4.2(b)(1) exempts certain “Non-Paper or Other
15 Unusual” documents from Plaintiffs’ electronic filing requirement. Exhibits 15, 25,
16 26, 30, 35 and 41 (described in detail below) are “non-paper” exhibits such as CDs
17 or DVDs and are exempted from electronic filing. *See* L.R. 5-4.2(b)(1). Local Rule
18 11-5.1 further provides that non-paper physical exhibits “shall not be attached to any
19 document,” but instead “shall be placed in a secure container identified by the case
20 name . . . [etc].” Exhibits 12, 19, 22, 44, 48, 55, 56, 57, 61, 67, 68, and 73 (also
21 described in detail below) are “unusual” paper exhibits because the size and nature
22 of these exhibits makes it impracticable for them to properly scan into PDF format.
23 These Exhibits are over-sized “certified” copies issued by the U.S. Copyright
24 Registrar’s Office or the National Archives and Records Administration Office. As
25 such, the certification for these exhibits also includes unique binding (part of the
26 certification process) which would be destroyed by electronic filing or a unique
27 embossed individual seal which cannot be scanned into PDF format or otherwise
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1 duplicated for electronic filing. Since the authenticity and admissibility of these
2 “certified” exhibits are relevant and necessary in deciding Plaintiffs’ motion for
3 summary-judgment, Plaintiffs need to lodge the original “certified” documents. In
4 addition, Plaintiffs have included a scanned (although limited) PDF version of the
5 exhibits in the Joint Appendix as requested by L.R. 11-5.4 (filing oversized
6 exhibits).

7 **PLEASE TAKE NOTICE** that Plaintiffs hereby resubmit to the Court for
8 lodging the non-paper physical items described in detail below which are Exhibits
9 15, 25, 26, 30, 35, 39, and 41, to the Joint Appendix, Volume 3 [Dkt. 189]:

10 **Exhibit 15** – is a CD containing a video compilation of performances of
11 the song *Happy Birthday* from the animated short *Bosko’s Party*
12 (Ex. 25) and from the motion pictures *Girls About Town* (Ex. 35),
13 *Strange Interlude* (Ex. 26), *Baby Take A Bow* (Ex. 30), *Way Down*
14 *East* (Ex. 41), and *The Old Homestead* (Ex. 39), and is a “non-
15 paper” document excluded from electronic filing under Local Rule
16 5-4.2(b)(1) (Dkt. 189) [Jt. App’x, Vol. 3 at 498];

17 **Exhibit 25** – is a CD containing the animated short entitled *Bosko’s Party*,
18 and is a “non-paper” document excluded from electronic filing under
19 Local Rule 5-4.2(b)(1) (Dkt. 189) [Jt. App’x, Vol. 3 at 551];

20 **Exhibit 26** – is a DVD containing the motion picture *Strange Interlude*,
21 and is a “non-paper” document excluded from electronic filing under
22 Local Rule 5-4.2(b)(1) (Dkt. 189) [Jt. App’x, Vol. 3 at 552];

23 **Exhibit 30** – is a DVD containing the motion picture “*Baby Take A Bow*,”
24 and is a “non-paper” document excluded from electronic filing under
25 Local Rule 5-4.2(b)(1)(Dkt. 189) [Jt. App’x, Vol. 3 at 575];

26 **Exhibit 35** – is a CD containing Parts 1, 5, and 6 (of 6) motion picture
27 “*Girls About Town*” available at <http://www.youtube.com/watch?v>
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1 =zbeni6pmJHk&feature&share&list=PL8DEBB572FF5195FB&ind
2 ex=4 (last visited Nov. 18, 2014), and is a “non-paper” document
3 excluded from electronic filing under Local Rule 5-4.2(b)(1) (Dkt.
4 189) [Jt. App’x, Vol. 3 at 592];

5 **Exhibit 39** – is a DVD containing the motion picture “*The Old*
6 *Homestead*,” and is a “non-paper” document excluded from
7 electronic filing under Local Rule 5-4.2(b)(1) (Dkt. 189) [Jt. App’x,
8 Vol. 3 at 613]; and

9 **Exhibit 41** – is a CD containing the motion picture “*Way Down East*,” and
10 is a “non-paper” document excluded from electronic filing under
11 Local Rule 5-4.2(b)(1) (Dkt. 189) [Jt. App’x, Vol. 3 at 617].

12 Plaintiffs have placed the original of the aforementioned “non-paper” Exhibits
13 in a secure envelope container identified by the case name and number, the name,
14 address and telephone number of Plaintiffs’ Interim Class Counsel as required by
15 L.R. 11-5.1. Exhibits 26, 30, and 39 (movie DVDs) cannot be duplicated to provide
16 chambers copy.

17 **PLEASE TAKE NOTICE** that Plaintiffs hereby resubmit to the Court for
18 manual filing the unusual exhibits described in detail below which are Exhibits 12,
19 19, 22, 44, 48, 55, 56, 57, 61, 67, 68 & 73 to the Joint Appendix:

20 **Exhibit 12** – Certified Copy of Additional Certificate of Registration to Claim
21 of Copyright for *The Elementary Worker and His Work* (P006331-
22 6333) (Dkt. 189) [Jt. App’x, Vol. 3 at 487];

23 **Exhibit 19** – Certified Copy of Additional Certificate of Registration to Claim
24 of Copyright for *Harvest Hymns* (Reg. No. A777856) (P006325-6327)
25 (Dkt. 189) [Jt. App’x, Vol. 3 at 513];

26 **Exhibit 22** – Certified Copy of Additional Certificate of Registration to Claim
27 of Copyright for *Children’s Praise and Worship* (Reg. No. A1068883)
28 (P006328-6330) (Dkt. 189) [Jt. App’x, Vol. 3 at 529];

1 **Exhibit 44** – Certified Copy of Additional Certificate of Registration to Claim
2 of Copyright for *Happy Birthday to You!* (Reg. No. E 51988)
3 (P006334-6335) (Dkt. 189) [Jt. App’x, Vol. 3 at 625];

4 **Exhibit 48** – Certified Copy of Additional Certificate of Registration to Claim
5 of Copyright for *Happy Birthday to You!* (Reg. No. E 51990)
6 (P006336-6337) (Dkt. 189) [Jt. App’x, Vol. 3 at 652];

7 **Exhibit 55** – National Archives and Records Administration Certified Copy
8 of “Complaint” filed March 28, 1945, in the United States District
9 Court, Southern District of New York, captioned *Clayton F. Summy Co.*
10 *v. McLoughlin Brothers, Inc.*, Civil No. 30-284 (P006051-6058) (Dkt.
11 190) [Jt. App’x, Vol. 4 at 707];

12 **Exhibit 56** – National Archives and Records Administration Certified Copy
13 of “Complaint” filed March 28, 1945, in the United States District
14 Court, Southern District of New York, captioned *Clayton F. Summy Co.*
15 *v. Louis Marx & Company, Inc.*, Civil No. 30-285 (P006042-6050)
16 (Dkt. 190) [Jt. App’x, Vol. 4 at 719];

17 **Exhibit 57** – National Archives and Records Administration Certified Copy
18 of “Complaint” filed January 11, 1946, in the United States District
19 Court, Southern District of New York, captioned *Clayton F. Summy Co.*
20 *v. Paul Feigay and Oliver Smith*, Civil No. 34-481 (P006034-6041)
21 (Dkt. 190) [Joint App’x, Vol. 4 at 731];

22 **Exhibit 61** – Certified Copy of Additional Certificate to Claim of Copyright
23 for renewal of *Harvest Hymns* (Renewal Reg. No. R90447) (P006344-
24 6345) (Dkt. 190) [Jt. App’x, Vol. 4 at 756];

25 **Exhibit 67** – Certified Copy of Additional Certificate of Registration of a
26 Claim to Copyright for renewal of *Happy Birthday to You!* (Reg. No.
27 R306185-Original Reg. No. E 51988) (P006338-6340) (Dkt. 190) [Jt.
28 App’x, Vol. 4 at 807];

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