

EXHIBIT 110

[App'x at 7:1567-1622, Dkt. 193-1]

In The Matter Of:

GOOD MORNING TO YOU PRODUCTIONS CORP.

v.

WARNER/CHAPPELL MUSIC, INC.

SACHS, Ph.D., JOEL - Vol. 1
September 9, 2014

MERRILL CORPORATION

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Ex. 110

JOEL SACHS, Ph.D. - 9/9/2014
#6056

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

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GOOD MORNING TO YOU PRODUCTIONS
CORP.; et al.,

Plaintiffs,
Lead Case No.

-against-

CV 13-04460-GHK

WARNER/CHAPPELL MUSIC, INC.,
et al.,

Defendants.

-----x

September 9, 2014
9:32 a.m.

Videotaped Deposition of JOEL SACHS, Ph.D.
taken by Defendants, pursuant to Notice, at the
offices of Paul, Weiss, Rifkind, Wharton &
Garrison, 1285 Avenue of the Americas, New
York, New York, before William Visconti, a
Shorthand Reporter and Notary Public within and
for the State of New York.

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12

13 ALSO PRESENT:

14 WILLIAM PACE, VIDEOGRAPHER

15

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1 point that you're making in paragraph 28, fine. 12:55:34
2 If there are other documents that you feel you 12:55:38
3 need to include in your report, then I want you 12:55:39
4 to have the opportunity to do that. Maybe we 12:55:39
5 don't take that now. Maybe we take a break and 12:55:40
6 you identify it in the production which ones 12:55:40
7 you think -- 12:55:42

8 A. No, I could tell you right now. I 12:55:45
9 just want to look back at that paragraph to see 12:55:48
10 what I actually referred to, but the various 12:55:57
11 samples start in the big black binder, Exhibit 49, 12:56:06
12 up to tab 38 and continue to tab 50. 12:56:09

13 Q. Look at paragraph 28 where it says 12:56:11
14 "Various samples of this piece differ in their 12:56:15
15 cover information, design, publisher or price. 12:56:21
16 Some say Summy Publishing Company, (Summy 12:56:23
17 3075)." What does Summy 3075 refer to there? 12:56:25

18 A. The publication number so you can 12:56:28
19 find it among the various samples, some of them 12:56:32
20 have different numbers to indicate what they 12:56:32
21 are. That is standard. 12:56:35

22 Q. If I look at J and I see the 12:56:39
23 publication number, I see the number 3075 in 12:56:40
24 the lower left corner?

25 A. Yes, that is the one.

1 Q. Is that what you're referring to? 12:56:44
2 A. Yes. 12:56:45
3 Q. What does that number tell you? 12:56:49
4 A. Normally when a publisher puts a 12:56:51
5 number it is the number of their publication. 12:56:54
6 It is his 3,075th publication. 12:56:57
7 Q. So is it sequential? 12:57:04
8 A. It should be. It may be in some 12:57:06
9 periods it is called a plate number for the 12:57:07
10 engraving plate. 12:57:11
11 Q. My question is the one before it 12:57:16
12 the engraving plates would be number. And 12:57:17
13 3074 would be something else? 12:57:19
14 A. Yes. And 76 would follow it. 12:57:22
15 Q. Can you look at Exhibit L for a 12:57:31
16 moment. You see in the lower left-hand corner 12:57:32
17 that is 3076? 12:57:33
18 A. That is probably the next one. 12:57:34
19 Q. The next what? 12:57:36
20 A. The next thing they published. 12:57:40
21 That would be my inference based on what I know 12:57:42
22 that they would number sequentially. 12:57:49
23 Q. Let's look back at paragraph 28 to 12:58:00
24 make sure that I'm done there. Did you review
25 the certificate for the copyright registration,

1 E 51990, in preparing your report that is 12:58:10

2 referred to in paragraph 28? 12:58:11

3 A. I think I did. I don't remember 12:58:12

4 the number offhand. 12:58:15

5 Q. It is referred to here in paragraph 12:58:15

6 28? 12:58:16

7 A. Then I did. 12:58:19

8 Q. It says it suggests that it may be 12:58:22

9 the print for the December 6th, 1935 copyright 12:58:24

10 certificate which says, "arrangement as easy 12:58:28

11 piano solo with text." You said the thing that 12:58:33

12 led you to believe that about Exhibit J is that 12:58:37

13 it was copyright 1935. Does the fact that the 12:58:40

14 cover of Exhibit J also says it is underlined 12:58:43

15 piano with words, does that also support that? 12:58:46

16 A. Yes. However there are a few of 12:58:48

17 them and that is what is in 30 whatever is the 12:58:50

18 number I just gave you that do that and there 12:58:53

19 are certain differences among them. They seem 12:58:56

20 possibly to be reprinted later, who knows. But 12:58:59

21 some of them have Preston Ware Orem's name and 12:59:02

22 some don't and that is peculiar, but that is 12:59:02

23 what it is. 12:59:04

24 Q. The fact that this says this is the

25 piano solo with words version also supports

1 that it is the copy of copyright 51990? 12:59:13

2 MR. RIFKIN: What are we referring 12:59:16

3 to that says piano solo with words? 12:59:17

4 MS. LE MOINE: Exhibit J. 12:59:19

5 MR. RIFKIN: I thought you were 12:59:20

6 referring to Exhibit J. 12:59:21

7 MS. LE MOINE: I am. 12:59:22

8 MR. RIFKIN: Where does it say 12:59:22

9 that. 12:59:24

10 MS. LE MOINE: The title page. 12:59:25

11 MR. RIFKIN: I thought you were 12:59:28

12 looking at plate number 3074. 12:59:29

13 MS. LE MOINE: No I'm asking the 12:59:31

14 professor if the fact that that piano solo with 12:59:33

15 words is underlined that that is the indication 12:59:36

16 that this is this piece of music. 12:59:46

17 A. As far as I could say yes. 12:59:49

18 Q. Let's look at paragraph 29 which 12:59:58

19 refers to tab K. If you look at tab K it has 13:00:02

20 the Hill sisters both names in the upper right 13:00:04

21 and arranged by Preston Ware Orem underneath 13:00:04

22 that. 13:00:05

23 A. Yes. 13:00:07

24 Q. Do you have any opinion as to why

25 Mildred Hill and Patty Hill are listed in the

1 just know from Marc? 13:06:25

2 A. Well I assume there was some 13:06:25

3 copyright reason and whoever provided that 13:06:32

4 decided it was better at that point to not 13:06:34

5 provide the actual text lest it being an 13:06:36

6 infringement of some sort. 13:06:40

7 Q. Let's look at paragraph 30. 13:06:44

8 Paragraph 30 refers to tab L that we looked at 13:06:48

9 briefly. The sequential catalog number, right 13:06:51

10 or engraving plate number, I'm not sure what -- 13:06:54

11 A. Yes. I don't know what it is 13:06:57

12 called now but that is what it is. It is some 13:07:01

13 kind of publisher's index. 13:07:03

14 Q. And indicating the order in which 13:07:04

15 these items were published? 13:07:06

16 A. Yes, I assume so. That is what it 13:07:07

17 always does. 13:07:09

18 Q. You have here at the top arranged 13:07:10

19 by Mrs. R.R. Forman? 13:07:11

20 A. Yes. 13:07:14

21 Q. And again Mildred Hill's name on 13:07:14

22 the right? 13:07:14

23 A. Yes. 13:07:17

24 Q. And you say, "It is customary for 13:07:17

25 arrangers to appear either on the upper right

1 CERTIFICATE

2 STATE OF NEW YORK)

3 : ss.

4 COUNTY OF NEW YORK)

5 I, WILLIAM VISCONTI, a Shorthand Reporter
6 and Notary Public within and for the State of New York,
7 do hereby certify:

8 That prior to being examined, the witness named in
9 the foregoing deposition was duly sworn to testify the truth,
10 the whole truth, and nothing but the truth;

11 That said deposition was taken down by me in
12 shorthand at the time and place therein named and
13 thereafter reduced by me to typewritten form and that the
14 same is a true, correct, and complete transcript of said
15 proceedings.

16 Before completion of the deposition, review of the
17 transcript [X] was [] was not requested. If requested,
18 any changes made by the deponent (and provided to the
19 reporter) during the period allowed are appended hereto.

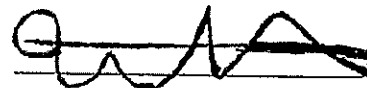
20 I further certify that I am not interested in the
21 outcome of the action.

22 Witness my hand this 23rd day of September, 2014.

23

24

25



WILLIAM VISCONTI

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