

**EXHIBIT 94**

**[App'x at 5:1072-82, Dkt. 191-1]**

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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**

13 GOOD MORNING TO YOU ) Lead Case No. CV 13-04460-GHK (MRWx)  
14 PRODUCTIONS CORP., *et al.*, )  
15 Plaintiffs, ) **PLAINTIFFS' REQUESTS FOR**  
16 v. ) **PRODUCTION OF DOCUMENTS TO**  
17 ) **DEFENDANTS – SET NO. ONE**  
18 WARNER/CHAPPELL MUSIC, )  
19 INC., *et al.* )  
20 Defendant. )  
21 )

22 **PROPOUNDING PARTIES: PLAINTIFFS GOOD MORNING TO YOU**  
23 **PRODUCTIONS CORP., ROBERT SIEGEL,**  
24 **RUPA MARYA, AND MAJAR PRODUCTIONS,**  
25 **LLC**

26 **RESPONDING PARTIES: DEFENDANTS WARNER/CHAPPELL MUSIC,**  
27 **INC. AND SUMMY-BIRCHARD, INC.**

28 **SET NO.: ONE**

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1 Pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure, plaintiffs  
2 GOOD MORNING TO YOU PRODUCTIONS CORP., ROBERT SIEGEL, RUPA  
3 MARYA, AND MAJAR PRODUCTIONS, LLC (“Plaintiffs”), by and through their  
4 undersigned counsel, hereby propound the following interrogatories upon defendants  
5 WARNER/CHAPPEL MUSIC, INC. and SUMMY-BIRCHARD, INC.  
6 (“Defendants”). Defendants shall identify and produce the requested documents and  
7 things for inspection and copying within thirty (30) days—or such other time as the  
8 parties may agree or the Court may order—during normal business hours, at the  
9 offices of Wolf Haldenstein Adler Freeman & Herz LLP, 750 B Street, Suite 2770,  
10 San Diego, California 92101.

11 **DEFINITIONS**

- 12 1. “Defendants” means Warner/Chappell Music, Inc., and Summy-  
13 Birchard, Inc. (or each individually, as context requires).
- 14 2. “Warner/Chappel,” means Warner/Chappel Music, Inc., its subsidiaries  
15 and predecessors in interest, including without limitation Summy-Birchard, Inc.
- 16 3. “Summy-Birchard” means Summy-Birchard, Inc., its subsidiaries and  
17 predecessors in interest, including without limitation Summy-Birchard, Inc.
- 18 4. “CFSC” refers to the Clayton F. Summy Co. identified as copyright  
19 owner in the applications for Copyright E51988 and Copyright E51990.
- 20 5. “ASCAP” refers to the American Society of Composers, Authors and  
21 Publishers.
- 22 6. “You” or “Your” refers to each Defendant served with these requests.
- 23 7. “*Happy Birthday to You*” means the song *Happy Birthday to You*.
- 24 8. “Copyright Office” refers to the United States Copyright Office.
- 25 9. “Copyright” means statutory copyright.
- 26 10. “Right” means an interest, including license and Copyright, in or to a  
27 work.
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1 11. "Copyright E51988" means the Copyright recorded with the Copyright  
2 Office under the registration number E51988.

3 12. "Copyright E51990" means the Copyright recorded with the Copyright  
4 Office under the registration number E51990.

5 13. "Including" and "includes" shall be construed to mean "including  
6 without limitation."

7 14. The use of the singular form of any word includes the plural and  
8 vice versa.

9 **INSTRUCTIONS**

10 1. Plaintiffs incorporate the Instructions set forth in Plaintiffs' First Set of  
11 Interrogatories as if fully set forth herein.

12 2. In producing documents and other materials in response to this  
13 document request, You are requested to furnish all documents in Your possession,  
14 custody, or control, regardless of whether such documents are possessed directly by  
15 You or Your partners, agents, employees, representatives, subsidiaries, affiliates or  
16 investigators, or by Your attorneys or their agents, employees or investigators.

17 3. Respondent shall produce the original of each document described  
18 below or, if the original is not available, then a copy thereof; and in any event also all  
19 non-identical copies which differ from the original or from the other copies produced  
20 for any reason, including the making of notes thereon (on either the front or back of  
21 the document), and drafts. A document also shall be considered non-identical and  
22 must be produced if it was kept in a different file from another copy of the same  
23 document (which otherwise was identical). For example, if the same document was  
24 kept in the usual course of business in the files of two different corporate directors  
25 then both copies must be produced even if they were otherwise identical.

26 4. All documents produced shall be bound or stapled in the same manner  
27 as the original.  
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1           5. All documents shall be produced as they are kept in the usual course of  
2 business or the documents shall be organized and labeled to correspond to the  
3 categories in these requests.

4           6. Documents shall be produced in their original folders, binders, covers or  
5 containers, or facsimile(s) thereof.

6           7. In Your response to each request, identify by Bates Number, including  
7 prefix, or otherwise, the identity of the person, department, branch, division or office  
8 from whose files the document(s) are being produced.

9           8. The fact that a document has been or shall be produced by one party or  
10 entity does not relieve any other party or entity from the obligation to produce its  
11 copy of the same document, even if the two documents are identical in all respects.

12           9. All documents that originated in electronic form shall be produced in  
13 their native electronic form, with metadata. These documents shall be produced with  
14 an accompanying index, to the extent one exists, that lists:

15                   Beg doc # - Document first Bates number;  
16                   End doc # - Document last Bates number;  
17                   Secondary begin doc # - First Bates number of unit;  
18                   Secondary end doc # - End Bates number of unit (last  
19                   page of last attachment to doc);  
20                   Owner – Name of person whose files the document  
21                   comes from;  
22                   Doc date – date of file;  
23                   File size – number of bytes in the file;  
24                   File name – name of the file;  
25                   Document type – document type;  
26                   Doc title – re: line of document;  
27                   Author – Author;  
28                   Recipient – recipients;  
                  cc- carbon copies; and  
                  bcc – blind copies.

10. All other documents shall be produced in searchable PDF format to the  
extent they are available, or can be made available, in that format.

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1 11. All electronic mail shall be provided in native e-mail format (e.g., pst,  
2 nsf, .xls, and .doc), with metadata, with the following fields combined in an  
3 accompanying index:

4 Owner – Name of person whose e-mail file or other e-  
5 files are being provided;  
6 File Name – Name of file;  
7 File Date – Date of file; and  
8 File Size – Size of file.

9 12. For those paper documents which have been created digitally but  
10 executed with a hand-written signature or physical seal, then both the digital version  
11 and the signed paper copy should be produced.

12 13. You are instructed to produce each document in response to this  
13 document request in its entirety, without deletion or excision, regardless of whether  
14 You consider the entire document to be relevant or responsive. If any requested  
15 document cannot be produced in full, produce it to the extent possible, indicating  
16 which document, or portion of that document, is being withheld, and the reason that  
17 document or portion is being withheld.

18 14. If You object to any request in this document request on the ground that  
19 it is overly broad, You are instructed to produce documents in response to the request  
20 as narrowed to conform to Your objection within the period allowed for a response  
21 and to state in Your responses: (1) how You narrowed the request, and (2) the reason  
22 why You claim the request is overly broad. Plaintiffs do not waive the right to  
23 compel the production as originally sought from Defendant.

24 15. If You assert any claim of privilege in objecting to any document  
25 request herein, and withhold any responsive document pursuant to that objection,  
26 identify each document being withheld by providing a date, title and brief description  
27 of same.

28 16. If a document responsive to a document request has been destroyed or  
discarded, identify the document.

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1 17. If no documents responsive to a particular document request exist or are  
2 within Your possession, custody, or control, You must so state in Your response to  
3 the request.

4 18. These requests are continuing such that they require supplemental  
5 production pursuant to Rule 26(a) of the Federal Rules of Civil Procedure if You  
6 discover, obtain possession of, or create varying or additional documents responsive  
7 to a document request between the time of the original response and the time set for  
8 trial. In that event, notice of such supplemental documents and copies thereof shall  
9 be served on Plaintiffs' counsel no later than thirty days after the discovery of any  
10 such documents, but in no event later than one week before the first day of trial.

11 **REQUESTS FOR PRODUCTION**

12 **REQUEST FOR PRODUCTION NO. 1:**

13 All documents constituting, creating, describing, or relating to each Right You  
14 claim to *Happy Birthday to You*, including, for the following listing of Copyrights  
15 and every other Right You claim to *Happy Birthday to You*, applications for  
16 Copyright, Copyright registration documents, certificates of registration, Copyright  
17 renewal documents, Deposit Copies, correspondence with the Copyright Office, and  
18 business records:

Registration Number	Registration Date	Renewal Number	Renewal Date
E45655	Dec. 29, 1934	R289194	Jan. 22, 1962
E46661	Feb. 18, 1935	R291287	Feb. 19, 1962
E47439	Apr. 5, 1935	R293413	Apr. 4, 1962
E47440	Apr. 5, 1935	R293412	Apr. 4, 1962
E51988	Dec. 9, 1935	R306185	Dec. 6, 1962
E51990	Dec. 9, 1935	R306186	Dec. 6, 1962
45997	Oct. 16, 1893	R19043	Sep. 3, 1921

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Registration Number	Registration Date	Renewal Number	Renewal Date
34260	Jun. 18, 1896	R25771	Jan. 9, 1924
20441	Mar. 20, 1899	R36618	Jan. 3, 1927
142468	Feb. 7, 1907	R34877	Jan. 2, 1935
E513745	Jul. 28, 1921		
286958	Feb. 14, 1942		
EP26375	Apr. 13, 1948		
EP32204	Dec. 9, 1948		
EP45486	Apr. 13, 1950		
EP72792	Jun. 18, 1953	RE103939	Oct. 20, 1981
EP108379	Apr. 26, 1957	RE243304	Mar. 25, 1985
PA66009	Apr. 16, 1980		
PA140843	Jun. 17, 1982		

**REQUEST FOR PRODUCTION NO. 2:**

All documents constituting, creating, describing, or relating to Your acquisition of each Right You claim to *Happy Birthday to You*, including documentation of all assignment(s) or transfer(s) of such Rights.

**REQUEST FOR PRODUCTION NO. 3:**

Pertinent publications of *Happy Birthday to You*, including the scores, lyrics, arrangements, notes on arrangements, Deposit Copies, and other documents related to *Happy Birthday to You* and *Good Morning to All*.

**REQUEST FOR PRODUCTION NO. 4:**

All documents constituting, evidencing, describing or relating to the origin of *Happy Birthday to You* or any part thereof.



1 **REQUEST FOR PRODUCTION NO. 5:**

2 The closing binder and all other documents constituting, memorializing, or  
3 relating to Warner/Chappell's acquisition of Birchtree Limited in or around 1988.

4 **REQUEST FOR PRODUCTION NO. 6:**

5 The due diligence file and all other documents including without limitation,  
6 reports, opinion letters, audit documents and representations of warranty in  
7 connection with Warner/Chappell's acquisition of Birchtree Limited in or around  
8 1988.

9 **REQUEST FOR PRODUCTION NO. 7:**

10 All documents constituting, evidencing, describing or relating to the Rights of  
11 the following persons and entities to *Happy Birthday to You* or *Good Morning to All*:

- 12 a. Clayton F. Summy
- 13 b. Clayton F. Summy Co. (incorporated 1895, Ill.)
- 14 c. Clayton F. Summy Co. (incorporated 1925, Ill.)
- 15 d. Clayton F. Summy Co. (incorporated 1931, Del.)
- 16 e. John F. Segenstack
- 17 f. Mildred Hill
- 18 g. Patty Hill
- 19 h. Jessica Hill
- 20 i. The Hill Foundation

21 **REQUEST FOR PRODUCTION NO. 8**

22 All documents constituting, evidencing, describing or relating to litigation over  
23 Rights (including infringement of any Right) to *Happy Birthday to You* or *Good*  
24 *Morning to All*, including without limitation docket sheets, pleadings, motions,  
25 briefs, affidavits, declarations, memoranda, transcripts, opinions, settlement  
26 agreements, orders and judgments.

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1 **REQUEST FOR PRODUCTION NO. 9**

2 All documents describing the corporate structure, relationship and revenue  
3 sharing agreements and policies concerning *Happy Birthday to You* between and  
4 among Warner/Chappell and Summy-Birchard.

5 **REQUEST FOR PRODUCTION NO. 10**

6 All documents constituting, evidencing, describing or relating to ASCAP's  
7 Right(s) to license *Happy Birthday to You*.

8 **REQUEST FOR PRODUCTION NO. 11**

9 All documents constituting, evidencing, describing or relating to Mildred  
10 Hill's induction into ASCAP.

11 **REQUEST FOR PRODUCTION NO. 12**

12 All documents constituting, evidencing, describing or relating to CFSC's  
13 induction into ASCAP.

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15 Dated: February 12, 2014

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