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FRANCIS M. GREGOREK (144785)  
gregorek@whafh.com  
BETSY C. MANIFOLD (182450)  
manifold@whafh.com  
RACHELE R. RICKERT (190634)  
rickert@whafh.com  
MARISA C. LIVESAY (223247)  
livesay@whafh.com  
**WOLF HALDENSTEIN ADLER  
FREEMAN & HERZ LLP**  
750 B Street, Suite 2770  
San Diego, CA 92101  
Telephone: 619/239-4599  
Facsimile: 619/234-4599

*Interim Lead Class Counsel for Plaintiffs and Proposed Class*

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
WESTERN DIVISION**

GOOD MORNING TO YOU ) Lead Case No. CV 13-04460-GHK (MRWx)  
PRODUCTIONS CORP., *et al.*, )  
 ) **DECLARATION OF MARK C. RIFKIN**  
Plaintiffs, ) **IN SUPPORT OF REPLY IN FURTHER**  
 ) **SUPPORT OF PLAINTIFFS' NOTICE**  
v. ) **OF MOTION AND MOTION TO**  
 ) **EXCLUDE EVIDENCE**  
WARNER/CHAPPELL MUSIC, )  
INC., *et al.*, ) Date: February 9, 2015  
 ) Time: 9:30 A.M.  
Defendants. ) Room: 650  
 ) Judge: Hon. George H. King,  
 ) Chief Judge  
 )

1 I, Mark C. Rifkin, hereby declare as follows:

2 1. I am an attorney duly licensed to practice law in the States of New York  
3 and Pennsylvania, and am admitted to this Court *pro hac vice* in the above-captioned  
4 action. I am a partner with the law firm Wolf Haldenstein Adler Freeman & Herz  
5 LLP, interim lead class counsel for Plaintiffs and the proposed class. I have personal  
6 knowledge of the following facts, and if called upon to do so, I could and would  
7 competently testify as to them.

8 2. I submit this declaration in support of the Reply In Further Support of  
9 Plaintiffs’ Motion to Exclude Evidence filed December 22, 2014 (Dkts. 197-198)  
10 proffered on behalf of plaintiffs Good Morning To You Productions Corp., Robert  
11 Siegel, Rupa Marya d/b/a Rupa & The April Fishes, and Majar Productions, LLC’s  
12 (“Plaintiffs”) and filed concurrently herewith. Plaintiffs respectfully request an order  
13 regarding Defendants’ Exhibits 101-104, 106, and 119 (collectively, “Defendants’  
14 Exhibits”) of the Amended Joint Evidentiary Appendix in Support of Notice of  
15 Cross-Motions and Cross-Motions for Summary Judgment Filed Pursuant to Court’s  
16 Dec. 5, 2014 Order, filed December 17, 2014 (Dkts. 187 (Vol. 1, Exs. 1-10, Pages 1-  
17 220); 188 (Vol. 2, Ex.11, Pages 221-486); 189 (Vol. 3, Exs. 12-54, Pages 487-706);  
18 190 (Vol. 4, Exs. 55-81, Pages 707-974); 191 (Vol. 5, Exs. 82-99, Pages 975-1141);  
19 192 (Vol. 6, Exs. 100-106, Pages 1200-1540); 193 (Vol. 7, Exs. 107-116, Pages  
20 1541-1750); and 194 (Vol. 8, Exs. 117-126, Pages 1751-1947)) (collectively, the  
21 “Appendix”): (i) finding Defendants’ Exhibits are inadmissible; (ii) excluding  
22 Defendants’ Exhibits from the Appendix and (iii) striking all references to  
23 Defendants’ Exhibits as well as the arguments based upon them from the Cross-  
24 Motions for Summary Judgment (Dkt. 182, as amended on Nov. 26, 2014) (the  
25 “Joint Brief”) and the [Corrected] Joint Statement of Uncontroverted Facts (Dkt. 183,  
26 as amended on Dec. 1, 2014) (the “SOF”).

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1 **EXHIBITS**

2 3. Attached hereto as **Exhibit 51** is a true and correct copy of the Answer  
3 to Amended Complaint, *The Hill Foundation Inc. v. Clayton F. Summy Co.*, Civil  
4 No. 19-377 (S.D.N.Y. Dec. 29, 1942) (App'x at 3:676-689) included in the Appendix  
5 (for ease of reference, each exhibit is identified by the same number as it appears in  
6 the Appendix):

7 4. Attached hereto as **Exhibit C** is a true and correct copy of *Happy*  
8 *Birthday to You* sheet music printed by Alfred Publishing Co., Inc., with the legend  
9 "© 1979 Summy-Birchard Music, Inc."

10 5. Attached hereto as **Exhibit D** is a true and correct copy of *Happy*  
11 *Birthday to You* sheet music printed by Summy-Birchard Music, a division of Birch  
12 Tree Group, Ltd., with the legend "© 1935 by Summy-Birchard Music" and the  
13 legend "This arrangement © 1979."

14 I declare under penalty of perjury that the foregoing is true and correct under  
15 the laws of the United States. Executed this 26th day of January 2015, in the City of  
16 New York, State of State of New York.

17  
18 By:   
19 MARK C. RIFKIN

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