

1 FRANCIS M. GREGOREK (144785)  
 gregorek@whafh.com  
 2 BETSY C. MANIFOLD (182450)  
 manifold@whafh.com  
 3 RACHELE R. RICKERT (190634)  
 rickert@whafh.com  
 4 MARISA C. LIVESAY (223247)  
 livesay@whafh.com

5 **WOLF HALDENSTEIN ADLER**  
**FREEMAN & HERZ LLP**

6 750 B Street, Suite 2770  
 7 San Diego, CA 92101  
 Telephone: 619/239-4599  
 8 Facsimile: 619/234-4599

9 *Interim Class Counsel for Plaintiff and the Proposed Class*

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

13	GOOD MORNING TO YOU	)	Case No. CV 13-04460-GHK (MRWx)
14	PRODUCTIONS CORP., <i>et al.</i> ,	)	<b>PLAINTIFFS' STATEMENT OF NON-OPPOSITION TO MOTION TO INTERVENE</b>
15	Plaintiffs,	)	
16	v.	)	
17	WARNER/CHAPPELL MUSIC,	)	Date: December 7, 2015
18	INC., <i>et al.</i>	)	Time: 9:30 a.m.
19	Defendants.	)	Judge: Hon. George H. King, Chief Judge
20		)	Room: 650
21		)	
22		)	

23  
 24  
 25  
 26  
 27  
 28

1 Plaintiffs, by and through their undersigned counsel, hereby submit this  
2 statement of non-opposition to the motion to intervene of movants The Hill  
3 Foundation, Inc. (“Hill Foundation”) and the Association for Childhood Education  
4 International (“ACEI”).

5 To conserve the parties’ and the Court’s time and resources, Plaintiffs do not  
6 oppose the motion to intervene. However, Plaintiffs do not agree that the Hill  
7 Foundation or ACEI has any interest in the litigation or in the copyright to *Happy*  
8 *Birthday to You*. Accordingly, Plaintiffs expressly reserve their right to dispute the  
9 movants’ standing to intervene. If the movants are permitted to intervene, to assert  
10 all available defenses to their claims, including but not limited to: the fact that  
11 Patty Hill did not write the Song’s familiar lyrics, that she abandoned any  
12 copyright to the lyrics, that there was a divesting publication of the lyrics as early  
13 as 1922, that if any copyright in the lyrics existed, it expired in 1963, that the  
14 copyright was never transferred to the movants, and any defense based upon the  
15 passage of time.

16 Dated: November 13, 2015

**WOLF HALDENSTEIN ADLER  
FREEMAN & HERZ LLP**

By: /s/ Betsy C. Manifold

BETSY C. MANIFOLD

FRANCIS M. GREGOREK

gregorek@whafh.com

BETSY C. MANIFOLD

manifold@whafh.com

RACHELE R. RICKERT

rickert@whafh.com

MARISA C. LIVESAY

livesay@whafh.com

750 B Street, Suite 2770

San Diego, CA 92101

Telephone: 619/239-4599

Facsimile: 619/234-4599

**WOLF HALDENSTEIN ADLER  
FREEMAN & HERZ LLP**

MARK C. RIFKIN (pro hac vice)

rifkin@whafh.com

JANINE POLLACK (pro hac vice)

pollack@whafh.com

1 270 Madison Avenue  
New York, NY 10016  
2 Telephone: 212/545-4600  
Facsimile: 212-545-4753

3 *Interim Lead Counsel for Plaintiffs*

4 **RANDALL S. NEWMAN PC**  
RANDALL S. NEWMAN (190547)  
5 rsn@randallnewman.net  
37 Wall Street, Penthouse D  
6 New York, NY 10005  
Telephone: 212/797-3737

7 **HUNT ORTMANN PALFFY NIEVES**  
8 **DARLING & MAH, INC.**  
ALISON C. GIBBS (257526)  
9 gibbs@huntortmann.com  
OMEL A. NIEVES (134444)  
10 nieves@nieves-law.com

11 KATHLYNN E. SMITH (234541)  
smith@huntortmann.com  
12 301 North Lake Avenue, 7th Floor  
Pasadena, CA 91101  
13 Telephone: 626/440-5200  
Facsimile: 626/796-0107

14 **DONAHUE GALLAGHER**  
15 **WOODS LLP**  
WILLIAM R. HILL (114954)  
16 rock@donahue.com  
ANDREW S. MACKAY (197074)  
17 andrew@donahue.com  
DANIEL J. SCHACHT (259717)  
18 daniel@donahue.com  
1999 Harrison Street, 25th Floor  
19 Oakland, CA 94612-3520  
Telephone: 510/451-0544  
20 Facsimile: 510/832-1486

21 **GLANCY PRONGAY & MURRAY**  
22 **LLP**  
LIONEL Z. GLANCY (134180)  
lglancy@glancylaw.com  
23 MARC L. GODINO (188669)  
mgodino@glancylaw.com  
24 1925 Century Park East, Suite 2100  
Los Angeles, CA 90067  
25 Telephone: 310/201-9150  
Facsimile: 310/201-9160

26 *Attorneys for Plaintiffs*