

E-FILED

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. CV 13-4460-GHK (MRWx) Date December 7, 2015

Title *Good Morning to You Productions Corp., et al. v. Warner/Chappell Music, Inc., et al.***Presiding: The Honorable****GEORGE H. KING, CHIEF U.S. DISTRICT JUDGE**

Beatrice Herrera

N/A

N/A

Deputy Clerk

Court Reporter / Recorder

Tape No.

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

None

None

Proceedings: (In Chambers) Order re: Motion to Intervene (Dkt. 266)

This matter is before us on the Association for Childhood Education International (“ACEI”) and The Hill Foundation, Inc.’s (“Hill Foundation”) (collectively, “Applicants”) unopposed Motion to Intervene (“Motion”). (Dkt. 266.) We have reviewed the Motion and deem this matter appropriate for resolution without oral argument. L.R. 7-15. As the Parties are familiar with the facts, we will repeat them only as necessary. Accordingly, we rule as follows:

Plaintiffs Rupa Marya, Robert Siegel, Good Morning to You Productions Corp., and Major Productions, LLC (collectively, “Plaintiffs”) filed this class action to declare invalid Defendants Warner/Chappell Music, Inc. and Summy-Birchard, Inc.’s (collectively, “Defendants”) purported copyright in the song *Happy Birthday to You* (“*Happy Birthday*”). (Dkt. 95, Fourth Amended Consolidated Complaint (“FACC”).) Plaintiffs contend that because Defendants do not own a copyright in the *Happy Birthday* lyrics, Defendants must return the “millions of dollars of unlawful licensing fees” they have collected by wrongfully asserting copyright ownership in the *Happy Birthday* lyrics. (FACC ¶ 4.) On October 16, 2013, we bifurcated this case to first determine whether Plaintiffs were entitled to a declaratory judgment invalidating Defendants’ purported claim of copyright in the lyrics. (Dkt. 71 at 4.) On November 25, 2014, the Parties filed Cross-Motions for Summary Judgment on the declaratory judgment issue. (Dkt. 179.) And on September 22, 2015, we issued our Memorandum and Order Re: Cross-Motions for Summary Judgment, in which we ultimately concluded that there was no transfer of the rights in the lyrics to Defendants. (Dkt. 244 at 42, 43.)

On November 9, 2015, Applicants filed the instant Motion, seeking to intervene in this action “to protect their interests in the copyrights to the ‘Happy Birthday to You’ lyrics.” (Mot. at 1.) “Applicants have been accepting royalties from the Defendants for over twenty (20) years as the beneficiaries of Patty and Jessica Hill’s estates pursuant to what they believed was a valid assignment from the Hill Sisters to the Summy Co.” (*Id.*) Given our ruling that Defendants did not own the copyright to the *Happy Birthday* lyrics, Applicants now believe that they were and are the true owners of lyrics. (*See id.*) Applicants seek to intervene either as a matter of right or permissively under Federal Rule of Civil Procedure 24(a) or (b), respectively. Plaintiffs have filed a statement of non-opposition in response to the Motion, (Dkt. 275), and Defendants have taken no position on the Motion.

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Having considered all the relevant factors under both Rule 24(a) and (b), Applicants' Motion is hereby **GRANTED**.

IT IS SO ORDERED.

Initials of Deputy Clerk

____ : ____
Bea