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10 *Interim Lead Counsel for Plaintiffs and the [Proposed] Class*

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

14	GOOD MORNING TO YOU	)	Lead Case No. CV 13-04460-GHK (MRWx)
15	PRODUCTIONS CORP., <i>et al.</i> ,	)	
16	Plaintiffs,	)	<b>DECLARATION OF RUPA MARYA IN</b>
17	v.	)	<b>SUPPORT OF FINAL APPROVAL OF</b>
18		)	<b>CLASS ACTION SETTLEMENT AND</b>
19	WARNER/CHAPPELL MUSIC,	)	<b>REQUEST FOR INCENTIVE</b>
20	INC., <i>et al.</i>	)	<b>COMPENSATION AWARD</b>
21	Defendants.	)	Room: 650
22		)	Judge: Hon. George H. King, Chief
23		)	Judge
		)	Date: June 27, 2016
		)	Time: 9:30 a.m.

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1 I, Rupa Marya, under penalty of perjury, hereby declare and state as follows:

2 1. I am the leader of the band Rupa & The April Fishes, and one of the  
3 four Plaintiffs in this Action. I have personal knowledge of the facts set forth herein  
4 and, if called upon, I could and would competently testify thereto.

5 2. I submit this Declaration in support of Plaintiffs' motions for final  
6 approval of the Settlement and for an incentive compensation award to the Plaintiffs.  
7 These motions and supporting memoranda of law are filed concurrently herewith.

8 3. On April 27, 2013, Rupa & The April Fishes recorded a live show at  
9 The Independent in San Francisco, including a rendition of the song *Happy Birthday*  
10 *to You* ("*Happy Birthday*" or the "Song"), for later release as an album entitled *Live*  
11 *at the Independent*. I obtained a license from Defendant Warner/Chappell Music, Inc.  
12 ("Warner") on or about June 17, 2013, for which I paid the sum of \$455. At the  
13 time, I was aware of Warner's claim to own a copyright to the song *Happy Birthday*  
14 *to You* ("*Happy Birthday*" or the "Song"), and at that time I understood I could use  
15 the Song safely only if I obtained a license to do so.

16 4. Prior to any Plaintiff filing suit, I discussed the copyright dispute over  
17 the Song at length with my attorney, Daniel Schacht of Donahue Fitzgerald LLP. I  
18 was particularly concerned that if I lost, I would face a financially devastating award  
19 of attorneys' fees against me personally. Following our discussions, I decided to  
20 become involved in a class action litigation as a lead plaintiff, and I instructed Mr.  
21 Schacht to make arrangements to file such an action.

22 5. After I recorded *Happy Birthday* for release on my live album and after  
23 I had instructed Mr. Schacht to file a class action suit regarding the copyright status  
24 of the Song, I became aware that another Plaintiff, Good Morning to You  
25 Productions Corp. ("GMTY") had commenced litigation against Warner and its  
26 subsidiary challenging their claim to own a copyright to the Song.

27 6. Based on discussions among myself, Mr. Schacht, and Mark Rifkin of  
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1 Wolf Haldenstein Adler Freeman & Herz LLP, I instructed them to file suit on my  
2 behalf, and join my action with the existing action. On June 20, 2013, a complaint  
3 was filed in this Court on my behalf and on behalf of all others who were similarly  
4 situated.

5 7. I have been actively involved as a Plaintiff in the Action.

6 8. My attorneys have kept me informed of the progress of the litigation  
7 throughout the pendency of the Action so that I could oversee the Action for the  
8 benefit of the Class. In particular, my attorneys and I reviewed the consolidated and  
9 amended complaints before they were filed, we reviewed the Defendants' motion to  
10 dismiss and Plaintiffs' response to it, we reviewed the Court's decision denying  
11 Defendants' motion to dismiss, we reviewed the exchange of discovery, we reviewed  
12 the cross-motions for summary judgment and the Court's hearings on the cross-  
13 motions, we reviewed the Court's decision granting partial summary judgment in  
14 favor of the Plaintiffs, and we discussed the possible settlement of the Action.

15 9. I had extensive communication with my attorneys about the proposed  
16 Settlement as it was being negotiated. Ultimately, after those communications, I  
17 reviewed, approved, and executed the Settlement Agreement. Thereafter, I have  
18 continued to review the settlement process.

19 10. I have spent approximately fifty hours in performing my duties as  
20 Plaintiff in the Action. I have spent all that time at my own expense, and without any  
21 compensation or promise of compensation of any kind.

22 11. I believe my role in the Action was instrumental in achieving the  
23 excellent results we have obtained for the Class and for the public.  
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1           12. I hereby certify, under the penalty of perjury under the laws of the  
2 United States, that the foregoing statements are true and correct to the best of my  
3 knowledge, information, and belief.

4           Executed this 18th day of April, 2016, at Kensington, California.

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