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10 Attorneys for Plaintiffs  
 11 DON HENLEY, MIKE CAMPBELL and DANNY  
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 13 **UNITED STATES DISTRICT COURT**  
 14 **CENTRAL DISTRICT OF CALIFORNIA**  
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16 DON HENLEY, MIKE CAMPBELL  
 17 and DANNY KORTCHMAR,

18 Plaintiffs,

19 v.

20 CHARLES S. DEVORE and  
 21 JUSTIN HART,

22 Defendants.

Case No. SACV09-0481 JVS (RNBx)

**PLAINTIFFS' NOTICE OF  
 MOTION AND MOTION FOR  
 PARTIAL SUMMARY JUDGMENT**

Date: May 17, 2010  
 Time: 1:30 p.m.  
 Ctrm: Hon. James V. Selna

1 TO DEFENDANTS AND THEIR ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE THAT, on May 17, 2009 at 1:30 p.m., in  
3 accordance with the Court's Civil Minutes regarding the Scheduling Order, dated  
4 August 10, 2009, Plaintiffs Don Henley, Mike Campbell, and Danny Kortchmar  
5 will and hereby do move the Court pursuant to Federal Rule of Civil Procedure  
6 56(a) and (d) for an order granting partial summary judgment holding Defendants  
7 Charles S. DeVore and Justin Hart liable for the willful infringement of Plaintiffs'  
8 musical compositions, in violation of the Copyright Act, 17 U.S.C. § 101 et seq.,  
9 and for falsely suggesting an association with Plaintiff Henley in violation of the  
10 Lanham Act, 15 U.S.C. § 1125(a). This motion is made following the conference of  
11 counsel pursuant to L.R. 7-3, which took place on March 18, 2010. The grounds  
12 for this motion include:

13 1. Defendants, through their conduct, willfully infringed the copyright in  
14 the musical work, "The Boys of Summer," by their unauthorized reproduction of,  
15 creation of a derivative work based upon, distribution to the public of, and public  
16 performance of such work.

17 2. Defendants, through their conduct, willfully infringed the copyright in  
18 the musical work, "All She Wants to Do Is Dance," by their unauthorized  
19 reproduction of, creation of a derivative work based upon, distribution to the public  
20 of, and public performance of such work.

21 3. Defendants, through their conduct, improperly used Plaintiff Henley's  
22 identity and persona by creating a false impression that Henley has endorsed, is  
23 affiliated, connected to or associated with, or has approved of the message and  
24 views of Defendants' infringing videos, Defendant DeVore and/or his political  
25 campaign.

26 This motion is based on the concurrently filed Memorandum of Points and  
27 Authorities in Support of Partial Summary Judgment, Plaintiffs' Statement of  
28 Uncontroverted Facts and Conclusions of Law in Support of Motion for Partial

1 Summary Judgment, the Declarations of Jacqueline Charlesworth, Don Henley,  
2 Mike Campbell, Danny Kortchmar, Mark Rose, Lawrence Ferrara, Hal Poret, and  
3 Jon Albert, the pleadings and records on file in this Action, and such additional  
4 argument and evidence that may be introduced prior to or in connection with the  
5 hearing on this motion.

6 Dated: April 9, 2010

MORRISON & FOERSTER LLP  
Jacqueline C. Charlesworth  
Craig B. Whitney  
Tania Magoon  
Paul Goldstein

10 By: /s/ Jacqueline C. Charlesworth  
11 Jacqueline C. Charlesworth

12 *Attorneys for Plaintiffs*

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