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

DON HENLEY, MIKE CAMPBELL
and DANNY KORTCHMAR,

Plaintiffs,

v.

CHARLES S. DEVORE and
JUSTIN HART,

Defendants.

Case No. SACV09-0481 JVS (RNBx)

**DECLARATION OF LISA THOMAS IN
SUPPORT OF PLAINTIFFS' MOTION
FOR PARTIAL SUMMARY JUDGMENT**

Date: June 1, 2010
Time: 10:00 A.M.
Ctrm: Hon. James V. Selna

1 I, Lisa Thomas, pursuant to 28 U.S.C. § 1746, hereby declare:

2 1. This declaration is being submitted in support of Plaintiffs' motion for
3 partial summary judgment. I have personal knowledge of the following facts, and, if
4 called upon as a witness, could and would competently testify about the matters stated
5 herein.

6 2. I am the owner of Lisa Thomas Music Services, LLC. In that capacity, I act
7 as a licensing representative for the copyrighted works of a number of well-known
8 songwriters and recording artists, including Don Henley. Prior to launching my own
9 music administration service in 1993, I was a paralegal at the firm of Gang, Tyre, Ramer
10 & Brown, where I also handled music licensing for Mr. Henley. I first began
11 representing Mr. Henley's music publishing interests in 1989.

12 3. When I receive a request for one of Mr. Henley's songs, I first gather all of
13 the necessary information, including details of the proposed use, and then forward a
14 description of the request to Mr. Henley for his consideration.

15 4. Mr. Henley is selective in the licensing of his music. In my experience, his
16 primary concern is whether the proposed use is a good "fit" with the requested song, as
17 well as whether it would be damaging to the integrity or reputation of the song.

18 5. I receive several hundred requests to use Mr. Henley's music each year. Of
19 these, Mr. Henley authorizes me to issue quotes for at least one-quarter to one-third of
20 the proposed uses. Those who agree to our fee requests and licensing terms – a smaller
21 number, of course – are issued licenses. Of Mr. Henley's solo work, "The Boys of
22 Summer" is the most heavily requested song.

23 6. In recent years, I have been authorized by Mr. Henley to provide quotes
24 and/or issue licenses for a wide variety of secondary uses, including the following:

- 25 • Feature films
- 26 • Film trailers
- 27 • Documentaries
- 28 • Television programs

- Promotional spots for television shows
- Promotional spots for televised sporting events
- Internet uses
- Theatrical licenses
- Ringtones
- Digital jukeboxes
- Lyric reprints

7. Unauthorized videos using Mr. Henley's music frequently appear on the Internet. Thus, an additional service I perform for Mr. Henley is to search for such unauthorized uses and follow up with takedown notices, so that the infringing material is removed.

8. Occasionally, I receive requests for the use of Mr. Henley's music in commercials. To my knowledge, to date, Mr. Henley's songs have not been licensed for such a purpose in the United States (although we did license his song "Desperado" for a commercial some years ago in Japan). At Mr. Henley's direction, I do not simply decline such requests. Rather, I forward the relevant information to Mr. Henley (copying his personal manager) for consideration. It is my understanding that our fee for a top Henley song, such as "The Boys of Summer," for use in a commercial would be in the six-figure range, and this is what I communicate to prospective licensees.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on this 16 day of May, 2010.



Lisa Thomas