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DATE FILED: <u>8/18/20</u>

UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF NEW YORK
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KATHRYN TOWNSEND GRIFFIN, HELEN
 MCDONALD, and THE ESTATE OF
 CHERRIGALE TOWNSEND,

Plaintiffs,

17 Civ. 5221 (LLS)

- against -

ORDER ON DEFENDANTS'
 IN LIMINE MOTION RE:
 DR. ALEXANDER STEWART

EDWARD CHRISTOPHER SHEERAN, p/k/a
 ED SHEERAN, ATLANTIC RECORDING
 CORPORATION, d/b/a ATLANTIC
 RECORDS, SONY/ATV MUSIC PUBLISHING,
 LLC, and WARNER MUSIC GROUP
 COPRORATION, d/b/a ASYLUM RECORDS,

Defendants.

- - - - -X

Following in limine rulings 1, 2 and 3 in the March 24,
 2020 Opinion and Order, Dr. Stewart is bound by, and shall abide
 by numbers 1 and 2 of those rulings, with which he is to be made
 familiar before he testifies. In addition,

4.

Dr. Stewart shall express no opinion on whether any musical
 work, or any part of any musical work, is "protected" (by
 copyright or originality) or is substantially similar to the
 Let's Get It On deposit copy. Those are legal conclusions
 outside his area of expertise.

5.

For reasons particular to this case, Dr. Stewart shall not
 characterize Let's Get It On or a constituent element of it,

such as a chord progression or harmonic rhythm, as being "unique," "distinctive," "unusual" or the like. That is because such opinions were not disclosed in his Report, his prior art research was not such as to support them, and there is uncontradicted proof that those elements in this case are common musical techniques.

6.

Dr. Stewart may testify to similarities in the vocal melodies, subject to cross-examination on deletions and alterations he made to produce or enhance them.

So ordered.

Dated: New York, New York
August 18, 2020



LOUIS L. STANTON
U.S.D.J.