

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

GREG PERRY AND
PEABODY & COMPANY LLC,

Plaintiff,

v.

RODERICK WAYNE, JR. p/k/a RODDY
RICCH; SAMUEL GLOADE p/k/a 30
ROC; LAMAR ADARIUS MORAGNE;
AQEEL QADIR TATE; KHIRYE TYLER,
LARRANCE LEVAR DOPSON; BLUE
NIKE PUBLISHING LLC; PEERMUSIC
III, LTD.; KOBALT MUSIC
PUBLISHING AMERICA, INC.;
VOLUME VENTURES PUBLISHING,
LLC; WARNER-TAMERLANE
PUBLISHING CORORPATION;
ATLANTIC RECORDING
CORPORATION d/b/a ATLANTIC
RECORDS,

Defendants.

Case No. 1:22-cv-10316

COMPLAINT FOR COPYRIGHT
INFRINGEMENT

JURY TRIAL DEMANDED

COMPLAINT

1. This is an action for willful copyright infringement in which Plaintiffs Greg Perry and Peabody & Company, LLC (collectively, "Plaintiffs", each individually a "Plaintiff"), by and through their undersigned counsel, bring their Complaint against Roderick Wayne, Jr., p/k/a Roddy Ricch, Samuel Gloade, Lamar Adarius Moragne, Aqeel Qadir Tate, Khirye Taylor, Blue Nike Publishing, PeerMusic III, Ltd, Songs of Kobalt Music Publishing, Volume Ventures Publishing, LLC, Warner-Tamerlane Publishing Corp., Atlantic Recording Corporation d/b/a Atlantic Records (collectively, "Defendants", each individually a "Defendant"). Plaintiffs' claims involve intentional infringement of a copyright in the musical composition of Plaintiffs' original

work titled “COME ON DOWN (Get your Head Out of the Clouds)” (the “Infringed Work” or the “Original Work”)(hereinafter “COME ON DOWN”) by Defendants of the song “THE BOX” (the “Infringing Work”).

PARTIES

2. Plaintiff Greg Perry (“Perry”) is an individual resident of the State of California. Greg Perry is the songwriter and performer of “COME ON DOWN”.

3. Plaintiff Peabody & Company LLC (“Peabody”) is a California limited liability company owned by Greg Perry, with its principal place of business located at 567 W. Jackman St., Lancaster, California 93534 and is the owner of the musical composition for “COME ON DOWN”.

4. Defendant Roderick Wayne, Jr. p/k/a Roddy Ricch (“Ricch”) is a California resident and is a songwriter and performer of THE BOX.

5. Defendant Samuel Gloade p/k/a/ 30 Roc (“Gloade”) is upon information and belief a Georgia resident and a songwriter of THE BOX.

6. Defendant Lamar Adarius Moragne (“Moragne”) is upon information and belief a Georgia resident and a songwriter of THE BOX.

7. Defendant Aqeel Qadir Tate (“Tate”) is upon information and belief a Washington D.C. resident and a songwriter of THE BOX.

8. Defendant Khirye Tyler (“Tyler”) is upon information and belief an Ohio resident and a songwriter of THE BOX.

9. Defendant Larrance Levar Dopson (“Dopson”) is upon information and belief a resident of California and a songwriter of THE BOX.

10. Defendant Blue Nike Publishing LLC (“Blue Nike”) is a California Limited Liability Company with its principal place of business located at 31600 Railroad Canyon Rd., Suite A-111, Canyon Lake, California 92587. Upon information and belief, Blue Nike is affiliated with PeerMusic, III, Ltd. which maintains offices at 152 W 57th St., 10th Floor, New York, New York 10019.

11. Defendant PeerMusic, III, Ltd. (“PeerMusic”) is a Delaware Corporation with its principal place of business located at 2397 Shattuck Ave., Berkley, California 94704. Upon information and belief, PeerMusic maintains offices at 152 W 57th St., 10th Floor, New York, New York 10019.

12. Defendant Kobalt Music Publishing America, Inc. (“Kobalt”) is a Delaware Corporation with its principal place of business located at 2 Gansevoort Street, 6th Floor, New York, New York 10014.

13. Defendant Volume Ventures Publishing, LLC (“Volume Ventures”) is upon information and belief a Delaware Corporation with a principal place of business at 251 Little Falls Dr., Wilmington, Delaware 19808. Upon information and belief, Volume Ventures is affiliated with PeerMusic, III, Ltd. which maintains offices at 152 W 57th St., 10th Floor, New York, New York 10019.

14. Defendant Warner-Tamerlane Publishing Corp. (“Warner”) is a California Corporation with a principal place of business located at 10585 Santa Monica Blvd., Los Angeles, California 90025. Upon information and belief, Warner-Tamerlane is a wholly owned subsidiary of Warner Music Group, which maintains offices at 1740 Broadway, New York, New York 10019.

15. Defendant Atlantic Recording Corporation d/b/a Atlantic (“Atlantic”) is a Delaware corporation with its principal place of business located at 1633 Broadway, New York,

New York 10019. Upon information and belief, Atlantic is a wholly owned subsidiary of Warner Music Group Corporation, which maintains offices at 1740 Broadway, New York, New York 10019.

JURISDICTION AND VENUE

16. The jurisdiction of this Court with respect to the copyright infringement claims is based upon 28 U.S.C. §§ 1331 and 1338(a) in that the controversy arises under the Copyright Act and Copyright Revision Act of 1976 (17 U.S.C. 101 *et seq.*), which is within the exclusive jurisdiction of federal courts pursuant to 28 U.S.C. § 1331.

17. This Court has personal jurisdiction over the Defendants because certain Defendants reside in New York and all Defendants have directed their activities and marketing of the Infringing Work to New York residents, who are able to purchase, download, and stream the infringing song. As such, the Defendants have engaged in continuing business activities in this jurisdiction.

18. The Defendants are, at a minimum, constructively aware of their continuous and substantial commercial interactions with New York residents.

19. Upon information and belief, the Defendants, individually and collectively, have generated substantial revenue from the exploitation of the Infringing Work in New York.

20. New York has a considerable interest in adjudicating disputes wherein New York citizens are the target of the harm resulting from exploitation of the Infringing Work

21. This Court has general personal jurisdiction over the individual Defendants, who reside or are essentially at home in the Judicial District, and the Corporate Defendants, who are incorporated or have their principal place of business in New York.

22. This Court has specific personal jurisdiction over Defendants given systematic and continuous business contacts of both corporate and individual Defendants with respect to the

Infringing Work, evidenced by the connections discussed herein, which, collectively, demonstrate purposeful availment, and show that this Court has jurisdiction over all Defendants.

23. Additionally, the business entity Defendants are all affiliated with music publishers that maintain offices in New York City and employ New York residents or have their own offices in New York City and employ New York residents. These Defendants are publishers of the Infringing Work and have knowingly and intentionally licensed and distributed, or authorized the licensing and distribution of, the Infringing Work in New York to New York companies in which these Defendants receive income and royalties for their interest in the Infringing Work based on sales, downloads, streams and other income producing activities by New York residents.

24. This Court has general and specific personal jurisdiction over Defendant PeerMusic because, upon information and belief, it has continuous and systemic contacts with the State of New York to render it essentially at home in New York. Specifically, PeerMusic maintains offices at 152 W 57th St., 10th Floor, New York, New York 10019 where it employs New York residents.

25. This Court has specific jurisdiction over Volume Ventures because, upon information and belief, it is affiliated with PeerMusic, which maintains offices at 152 W 57th St., 10th Floor, New York, New York 10019 where it employs New York residents.

26. This Court has general and specific jurisdiction over Defendant Warner because it is a wholly owned subsidiary of Warner Music Group Corporation, which maintains offices at 1740 Broadway, New York, New York 10019 where it employs New York residents.

27. This Court has general and specific jurisdiction over Defendant Kobalt because it has its principal place of business located at 2 Gansevoort Street, 6th Floor, New York, New York 10014 where it employs New York residents.

28. This Court has general and specific jurisdiction over Defendant Atlantic Recording

because its principal place of business located at 1633 Broadway, New York, New York 10019 and because it is a wholly owned subsidiary of Warner Music Group Corporation, which maintains offices at 1740 Broadway, New York, New York 10019. Atlantic is a record label responsible for coordinating, among other things, the production, manufacture, distribution, marketing, and promotion of the Infringing Work in the United States. Atlantic has sold, and benefited from the sale of, the Infringing Work in New York. Upon information and belief, Atlantic conducts systematic and continuous business in this District, and has generated substantial revenue from exploitation of the Infringing Work in New York.

29. This Court has specific jurisdiction over Defendant Ricch because, upon information and belief, he has licensed and/or authorized the licensing, distribution, and sale of the Infringing Work to New York companies and residents of New York and within this Judicial District; and has directly advertised or authorized others to advertise the Infringing Work through New York companies and to New York residents and has generated substantial revenues from performing the Infringing Work and selling the Infringing Work in the State of New York and in this Judicial District. Upon information and belief, Defendant Ricch performed the Infringing Work at Madison Square Garden, New York, New York on October 13, 2022. He performed the Infringing Work at Citi Field Rolling Loud New York, New York on or about October 30, 2021.

30. Additionally, this Court has specific jurisdiction over Defendant Ricch because, upon information and belief, he is affiliated with Songs of Kobalt Music Publishing as his music publisher which has its principal place of business at 2 Gansevoort St., 6th Floor, New York, New York 10014.

31. Additionally, this Court has specific jurisdiction over Defendant Ricch because, upon information and belief, he is signed with Performing Rights Organization Global Music Rights, LLC (“GMR”), which upon information and belief is a Delaware limited liability company doing business

in New York at 28 Liberty Street, New York, New York 10005.

32. Additionally, this Court has specific jurisdiction over Defendants Ricch because, upon information and belief, Defendant Ricch was previously affiliated with Broadcast Music Inc. (“BMI”), which, upon information and belief, at relevant times directed its actions on Defendant Ricch’s behalf in New York. BMI is a Delaware Corporation with its headquarters located at 7 World Trade Center, 250 Greenwich Street, New York, New York.

33. Additionally, this Court has specific jurisdiction over Defendants Gloade, Morangne, Tate and Dopson because, upon information and belief, these Defendants are affiliated with Performing Rights Organization, Broadcast Music Inc. (“BMI”), which, upon information and belief, directs its actions on Defendant Gloade, Morangne and Tate’s behalf in New York. BMI is a Delaware Corporation with its headquarters located at 7 World Trade Center, 250 Greenwich Street, New York, New York.

34. Additionally, this Court has specific jurisdiction over Defendants Gloade, Morange, Tate and Tyler because, upon information and belief, they are represented by Warner Tamarlane Publishing Corp. which is a wholly owned subsidiary of Warner Music Group Corporation, which maintains offices at 1740 Broadway, New York, New York 10019.

35. This Court has specific jurisdiction over Defendant Dopson because, upon information and belief, he is affiliated with PeerMusic which maintains offices at 152 W 57th St., 10th Floor, New York, New York 10019.

36. Venue is proper in this District under 28 U.S.C. §§ 1391(b) and (c) and 28 U.S.C. § 1400(a), in that the claims arise in this Judicial District, where Defendants regularly conduct business and may be found.

FACTUAL ALLEGATIONS

37. This is an action for copyright infringement, in violation of 17 U.S.C. §§ 101 *et seq.*, arising from the Defendants' unauthorized reproduction, distribution, and/or public performance of the Plaintiffs' copyrighted musical composition "COME ON DOWN" within the hit song "THE BOX", written by the Songwriter Defendants.

38. Plaintiffs are the authors, creators, and the legal and beneficial owners of the composition in the Original Work, COME ON DOWN, which has been registered with the United States Copyright Office as identified by Copyright Registration Number, Pau000028799.

39. The musical composition for COME ON DOWN was co-written by Greg Perry, Katie Davis and Mallory Cowart. Greg Perry, owner of Peabody & Company recorded the master recording embodying the musical composition.

The Timing and Opportunity Support Infringement

40. COME ON DOWN was released in 1975 by Casablanca Records and published by Peabody & Company.

41. It was an immediate hit and peaked at #24 on the R&B charts.

42. COME ON DOWN was also widely disseminated across the R&B musical landscape.

43. The long lasting popularity of COME ON DOWN has continued over the years and has been widely disseminated and popular in the rap community for many years.

44. In 2008, Plaintiffs licensed COME ON DOWN to Island Def Jam Music Group for use in the Young Jeezy song "WORDPLAY". Plaintiff was granted an advance and sixty percent (60%) interest in the copyright of the Young Jeezy Composition for WORDPLAY.

45. In 2016, Plaintiff licensed a sample of COME ON DOWN to Epic Records for use in the Yo Gotti song "I REMEMBER". Plaintiff was granted an advance and an undivided fifty

percent (50%) interest in the composition for I REMEMBER. The copyright registration for “I REMEMBER” confirms it contains elements from “COME ON DOWN” written by Greg Perry.

46. The use of the distinctive compositional elements of COME ON DOWN have remained so popular in both the R&B and Rap Community that access to the composition is firmly established.

THE BOX is a Commercial Success

47. On or about December 6, 2019, THE BOX was released by Atlantic Records.

48. Defendants are the authors, creators, and the legal and beneficial owners of the composition in the Infringing Work, THE BOX, which has been registered with the United States Copyright Office as identified by Copyright Registration Numbers, PA0002246250 and PA0002307885.

49. Defendant Atlantic Records is the claimed owner of the sound recording of THE BOX, as identified by Copyright Registration Number SR0000934079.

50. Upon information and belief, THE BOX is a substantial commercial success. It has spent several weeks across numerous hit music charts, including reaching No. 1 on the Billboard Hot 100.

51. THE BOX spent eleven weeks at number one on the US Billboard Hot 100, as well as topping the charts in Canada, New Zealand, Hungary, and peaking at number two in both the UK and Ireland.

52. Moreover, upon information and belief, the international success of THE BOX has led to several subsequent remixes of the song being made by other artists.

53. Upon information and belief, THE BOX has to this date garnered millions of streams on the internet streaming service “Spotify”.

54. An official music video of the song was released on February 28, 2020. The video has over 11 million views on YouTube as of November 18, 2022. Other video versions have garnered substantial views and revenue for Defendants as well.

55. The song has also been viewed over 6.5 billion times and used in more than 2.4 million videos on “TikTok”.

56. Upon information and belief, THE BOX has already earned a substantial amount of revenues in royalties and other means, and continues to generate such revenue.

57. THE BOX was the biggest selling song of the final half of 2019, selling 4.7 million equivalent units as of July 2, 2020.

58. Apple Music named THE BOX as Song of the Year.

59. The BOX received three nominations at the 63rd Annual Grammy awards, including for Song of the Year.

60. THE BOX has become a huge commercial success and has generated (and continues to generate) substantial amounts of royalties.

**Musicological Analysis of COME ON DOWN and THE BOX
Demonstrates Clear Infringement**

61. By every method of analysis, THE BOX contains a complete duplication of certain compositional elements of Plaintiffs’ Original Work taken directly from Plaintiffs who wrote, recorded, and published the earlier, identical Original Work COME ON DOWN.

62. Comparative analysis of the beat, lyrics, hook, rhythmic structure, metrical placement, and narrative context by a musicology expert demonstrates clearly and convincingly that THE BOX is an unauthorized duplication and infringement of certain elements of COME ON DOWN.

63. THE BOX is so substantially similar to COME ON DOWN that ordinary observers would accurately perceive that the two songs sound the same, which they do. THE BOX and COME ON DOWN both contain substantially similar defining compositional elements, including, without limitation, substantial similarities in melody, form, structure, and function. The songs' substantial similarities reach the very essence of each work.

64. Expert musicology analysis confirms that the ascending minor scale played by violin at the opening of COME ON DOWN is a distinctive musical element which recurs a total of 6 times throughout the song.

65. A substantially similar melodic figure is played in THE BOX and permeates the song. It appears 24 times. It is a key feature of the song and substantially similar, if not identical, to the distinctive musical elements contained in COME ON DOWN.

66. Other rap artists have sought licenses and granted proper copyright interest to Plaintiff to record substantially similar features of the musical composition COME ON DOWN in their songs.

67. Plaintiffs maintain a copyright interest in those musical compositions. Specifically, Plaintiffs maintain a copyright interest in the musical composition of the song "WORDPLAY" as performed by Young Jeezy, released in 2008, with copyright registration number SR0000616586 and Plaintiffs maintain a copyright interest in the musical composition "I REMEMBER" as performed by Yo Gotti, released in 2016, with a copyright registration number of PA0002299093 for the composition and SR0000818966 for the sound recording.

68. Both of these compositions and recordings utilized similar if not identical elements of COME ON DOWN as the Infringing Work does. Both works were pre-existing as of the date

of the release of THE BOX and provide further evidence of access to and copying of COME ON DOWN by Defendants.

69. For these reasons, and as further provided herein, Defendants have infringed upon the copyrights of Plaintiffs; Defendants have unlawfully exploited COME ON DOWN; Defendants have deceived and/or confused the public into thinking that THE BOX is the independent creation of Defendants. And in doing so, Defendants have, with actual knowledge and intent, caused serious and significant injury to Plaintiffs.

70. Plaintiffs contend that substantial portions of COME ON DOWN were used by Defendants to create an unauthorized duplication of COME ON DOWN so that Defendants have infringed Plaintiffs' copyrights.

71. First, a lay person listening to both songs, particularly the musical elements at issue, can hear the strikingly similar (and, at times, identical) tempo and melody of the two songs.

72. However, music can be analyzed scientifically as well through musicological research and analysis to determine whether infringement occurred.

73. Musicology analysis confirms that the portions of COME ON DOWN copied by Defendants in THE BOX are substantially similar when reviewing through a comparative analysis of the two songs.

74. Other Defendants in the rap world that have chosen to copy elements of COME ON DOWN have done so legally and correctly by licensing the musical composition, granting Peabody & Company its proper copyright interest, and paying royalties.

75. Defendants chose not to license the musical composition from Plaintiffs and instead chose to intentionally infringe upon the copyright.

FIRST CAUSE OF ACTION

**DIRECT, CONTRIBUTORY AND VICARIOUS COPYRIGHT INFRINGEMENT
IN VIOLATION OF 17 U.S.C. § 101, *et seq*
(AGAINST ALL DEFENDANTS)**

76. Plaintiffs re-allege each and every fact set forth in the preceding Paragraphs of the Complaint as if they were fully set forth herein.

77. The Original Work is properly registered with the United States Copyright Office. Plaintiff are the legal and beneficial owner of the United States copyright in all rights, title, and interests of the musical composition of the Original Work.

78. Defendants had access to the Original Work (as discussed above). Furthermore, Plaintiffs' Original Work and Defendants' Infringing Work are strikingly similar, such that access is presumed by not only ordinary listeners, but by expert musicology analysis.

79. Collectively, Defendants released, manufactured, distributed, licensed, and marketed the Infringing Work.

80. Defendants' unauthorized reproduction, distribution, public performance, display and creation of a derivative work, the Infringing Work, infringes Plaintiffs' exclusive rights in violation of the Copyright Act, 17 U.S.C. § 101 *et seq*.

81. Defendants did not seek or receive permission to copy or interpolate any portion of the Original Work into the Infringing Work. Despite the lack of permission, and in blatant disregard for Plaintiffs' rights, Defendants unlawfully copied qualitatively and quantitatively important portions of the Original Work into the Infringing Work.

82. Defendants' conduct has at all times been knowing, willful, and with complete disregard to Plaintiffs' rights.

83. As a proximate cause of Defendants' wrongful conduct, Plaintiffs have been irreparably harmed.

84. The Infringing Work copy quantitatively and qualitatively distinct, important, unique, and recognizable portions of the Original Work. The copied materials are also qualitatively and quantitatively important to the Infringing Work, and recognizable to the ordinary observer.

85. From the date of the creation of the Infringing Work, all of Defendants have infringed Plaintiffs' copyright interest in the Original Work including: (a) by substantially copying and publicly performing, or authorizing the copying and public performances, including publicly performing the Infringing Work at radio, live concerts, personal appearances, and on video, television, and otherwise; (b) by authorizing the reproduction, distribution, and sale of the records and digital downloads through the execution of licenses, and/or actually selling, manufacturing, and/or distributing the Infringing Work through various sources; (c) by substantially copying and the related marketing and promotion of the sale of the records, videos, tickets to concerts and other performances, and other merchandise; and (d) by participating in and furthering the aforementioned infringing acts, and/or sharing in the proceeds therefrom, all through substantial use of the Original Work in and as part of the Infringing Work packaged in a variety of configurations and digital downloads and performed in a variety of ways including radio, concerts, personal appearances, video, television, and/or otherwise.

86. Plaintiffs have received no copyright ownership in and for any of the exploitations of the Infringing Work.

87. The infringement by Defendants has been, and continues to be, willful and knowing.

88. Defendants have reproduced and/or distributed and continue to manufacture, reproduce and distribute large numbers of copies of the Infringing Work, which violate Plaintiffs'

copyrights and are at issue in this lawsuit. Defendants have granted, or caused to be granted to various parties, licenses to reproduce, sample and/or distribute the Infringing Work in violation of Plaintiffs' copyrights.

89. With knowledge of the infringement, Defendants have induced, caused, or materially contributed to the infringing conduct of others, such that they should be found to be contributorily liable.

90. Defendants have the right and ability to control other infringers and have derived a direct financial benefit from that infringement such that Defendants should be found to be vicariously liable.

91. The infringement is continuing as the Infringing Work continue to be sold and licensed for sale, downloads, ringtones, mastertones, and other exploitations by Defendants, or their agents.

92. As a direct and proximate result of the conduct of the Defendants, Plaintiffs have suffered actual damages including lost profits, lost opportunities, loss of goodwill, and lost publicity.

93. Pursuant to 17 U.S.C. § 504(b), Plaintiffs are entitled to damages, including the substantial profits of Defendants, direct and indirect, as will be proven at trial.

94. Plaintiffs are entitled to Defendants' profits relating to foreign sales of copies of the Infringing Work that were manufactured, distributed, or otherwise infringed domestically, to the extent a predicate act of infringement occurred in the United States.

95. Defendants' conduct is causing and, unless enjoined by this Court, will continue to cause Plaintiffs irreparable injury that cannot be fully compensated or measured in monetary terms. Plaintiffs have no adequate remedy at law.

96. Pursuant to 17 U.S.C. § 502, Plaintiffs are entitled to a permanent injunction, following judgment, prohibiting the reproduction, distribution, sale, public performance, or other use or exploitation of the Infringing Work, or, in the alternative, a continuing royalty for each sale or license of the Infringing Work, or any money received by Defendants related thereto, following judgment, and related to any amount not taken into account in the Judgment, in an amount to be determined.

97. Defendants' reproduction, distribution, promotion and public performances of THE BOX continue to this day.

98. Defendants have neither requested permission nor compensated Plaintiffs for the use of Plaintiffs' copyrighted work, even though defendants received money and other substantial benefits from Plaintiffs' song.

99. Defendants' reproduction, distribution, and public performance of THE BOX, and their authorizing others to do the same, infringes Plaintiffs' exclusive rights under the United States Copyright Act, 17 U.S.C. § 101, *et seq.*

100. Defendants' conduct in infringing COME ON DOWN is knowing and willful.

101. As a direct and/or proximate cause of Defendants' wrongful conduct, Plaintiffs have been irreparably harmed, suffered (and continue to suffer) damages, and Defendants have profited in an amount to be determined at trial.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray for judgment against Defendants and for the following relief:

A. A declaration that Defendants have willfully infringed Plaintiffs' copyrighted work in violation of the Copyright Act;

B. A declaration that Defendants are directly, vicariously and/or contributorily liable for copyright infringement, as applicable;

C. An award of damages pursuant to 17 U.S.C. § 504(b), including actual damages, and the direct and indirect profits of Defendants as will be proven at trial;

D. A permanent injunction requiring Defendants and their agents, servants, employees, officers, attorneys, successors, licensees, partners, and assigns, and all persons acting in concert or participation with each or any one of them, to cease directly and indirectly infringing, and causing, enabling, facilitating, encouraging, promoting, inducing, and/or participating in the infringement of any of Plaintiffs' rights protected by the Copyright Act;

E. If the Court determines a permanent injunction is not the appropriate remedy for the continued infringement of Plaintiffs' rights under the Copyright Act, then pursuant to precedent, Plaintiffs be compensated by a running royalty paid on all exploitations the Infringing Work commencing from the date of judgment and for all amounts not taken into consideration in the judgment;

F. An award of attorneys' fees and costs;

G. Pre-judgment and post-judgment interest according to law, as applicable; and

H. For such other and further relief as this Court may deem just and proper.

DEMAND FOR JURY TRIAL

Pursuant to Federal Rule of Civil Procedure 38(b), and otherwise, Plaintiffs respectfully demand a trial by jury.

Dated: December 6, 2022

GORDON REES SCULLY MANSUKHANI

/s/ Joshua D. Wilson

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