

ORIGINAL

RUSSELL J. FRACKMAN (SBN 49087) rjf@msk.com  
MARC E. MAYER (SBN 190969) mem@msk.com  
EMILY F. EVITT (SBN 261491) efe@msk.com  
MITCHELL SILBERBERG & KNUPP LLP  
11377 West Olympic Boulevard  
Los Angeles, CA 90064-1683  
Telephone: (310) 312-2000  
Facsimile: (310) 312-3100

Attorneys for Plaintiffs

*D25 Mary Ann Murphy*  
SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF LOS ANGELES

CAPITOL RECORDS, LLC, a Delaware  
limited liability corporation; SONY MUSIC  
ENTERTAINMENT, a Delaware partnership;  
UMG RECORDINGS, INC., a Delaware  
corporation; WARNER MUSIC GROUP  
CORP., a Delaware corporation, and ABKCO  
MUSIC & RECORDS, INC., a New York  
corporation,

Plaintiffs,

v.

SIRIUS XM RADIO INC., a Delaware  
corporation; and DOES 1 through 10,  
inclusive,

Defendants.

CASE NO. BC520981

COMPLAINT FOR:

(1) VIOLATION OF CAL. CIV. CODE  
§ 980(a)(2);

(2) MISAPPROPRIATION;

(3) CONVERSION;

(4) UNFAIR COMPETITION; AND

(5) DECLARATORY RELIEF

DEMAND FOR JURY TRIAL

CIT/CASE: BC520981  
LEA/DEF#:   
RECEIPT #: CCH439933071  
DATE PAID: 09/11/13 02:40 PM  
PAYMENT: \$1,435.00 310  
RECEIVED:   
CHECK: \$1,435.00  
CASH: \$0.00  
CHANGE: \$0.00  
CARD: \$0.00

PLAINTIFFS' COMPLAINT

Mitchell  
Silberberg &  
Knupp LLP

1 Plaintiffs allege, upon knowledge as to their own acts and upon information and belief as  
2 to the acts of others, as follows:

3  
4 **NATURE OF THE ACTION**

5 1. For over 40 years, sound recordings have been protected by California common  
6 law, and for over 30 years they have been provided statutory protection under Section 980 of the  
7 California Civil Code. As a result of 1972 amendments to the United States Copyright Act, sound  
8 recordings "fixed," *i.e.*, created before February 15, 1972 ("Pre-72 Recordings"), continue to this  
9 day to remain exclusively subject to protection under California state law, whereas sound  
10 recordings "fixed" after that date are subject to exclusive federal copyright protection. In this  
11 action, Plaintiffs seek to vindicate their valuable rights in their Pre-72 Recordings and prevent the  
12 continued violation of those rights and the appropriation of Plaintiffs' Pre-72 Recordings by  
13 Defendant SiriusXM Radio Inc. ("SiriusXM").

14 2. The conduct of SiriusXM presents the paradigmatic example of a commercial  
15 business that is based on, uses, and profits from the intellectual property created by and owned by  
16 others, without obtaining the right to do so, and without paying for it. SiriusXM refuses to obtain  
17 licenses and pay for the daily public performance and reproduction of thousands of Plaintiffs' Pre-  
18 72 Recordings that SiriusXM copies and transmits to millions of its paying subscribers over  
19 dozens of its satellite radio channels. SiriusXM refuses to obtain those rights and to compensate  
20 Plaintiffs for the use of their property even though (a) it profits handsomely (in the tens of millions  
21 of dollars) from its performance of these classic recordings; (b) it promotes its service by touting  
22 the availability of such recordings; and (c) it recognizes that it must license and pay for the  
23 performance of *post*-1972 sound recordings over its service.

24  
25 **ALLEGATIONS COMMON TO ALL CAUSES OF ACTION**

26 **The Parties**

27 3. Plaintiff Capitol Records, LLC is a Delaware limited liability corporation, with its  
28 principal place of business in the State of California.

1           4.     Plaintiff Sony Music Entertainment is a partnership duly organized and existing  
2 under the laws of the State of Delaware, with its principal place of business in the State of New  
3 York.

4           5.     Plaintiff UMG Recordings, Inc., is a corporation duly organized and existing under  
5 the laws of the State of Delaware, with its principal place of business in the State of California.

6           6.     Plaintiff Warner Music Group Corp. is a corporation duly organized and existing  
7 under the laws of the State of Delaware, with its principal place of business in the State of New  
8 York.

9           7.     Plaintiff ABKCO Music & Records, Inc. is a New York corporation with its  
10 principal place of business in the State of New York.

11          8.     Plaintiffs are informed and believe, and on that basis allege, that Defendant  
12 SiriusXM is a corporation duly organized and existing under the laws of the State of Delaware,  
13 with its principal place of business in the State of New York.

14          9.     The true names and capacities, whether individual, corporate, associate, or  
15 otherwise, of all Defendants sued herein as Does 1 through 10, are unknown to Plaintiffs, who  
16 therefore sue said Defendants by such fictitious names. Plaintiffs will seek leave of the Court to  
17 amend this complaint to state their true names and capacities when the same have been  
18 ascertained. Said Defendants are liable to Plaintiffs because they either directly performed all or  
19 some of the acts alleged hereinafter or were acting as the agent, principal, alter ego, employee,  
20 representative, or otherwise participated in the acts alleged.

21                               **Plaintiffs and Their Business**

22          10.    Plaintiffs are record companies in the business of producing, manufacturing,  
23 distributing, selling, and otherwise exploiting sound recordings. Collectively, Plaintiffs own the  
24 majority of commercially exploited recorded music in the United States, and are the successors-in-  
25 interest or the owners of many classic and famous record labels such as Mercury, RCA Victor,  
26 Reprise, Columbia, Blue Note, Motown, Decca, Elektra and Sire. Sound recordings that Plaintiffs  
27 own or in which they possess exclusive ownership interests include both copyrighted sound  
28 recordings (those "fixed" after February 15, 1972) and Pre-72 Recordings (those "fixed" before

1 February 15, 1972). Plaintiffs' catalog of Pre-72 Recordings includes some of the most famous,  
2 popular, and valuable sound recordings in the world, spanning virtually every genre and most  
3 major recording artists who recorded during the years preceding 1972. Among these works are  
4 sound recordings containing iconic performances by the Beatles, the Beach Boys, the Rolling  
5 Stones, Bob Dylan, Jimi Hendrix, the Eagles, Led Zeppelin, the Temptations, the Supremes,  
6 Stevie Wonder, Buddy Holly, Chuck Berry, Marvin Gaye, Nat King Cole, Otis Redding, Aretha  
7 Franklin, Simon & Garfunkel, Patsy Cline, and Louis Armstrong. A representative list of  
8 Plaintiffs' Pre-72 Recordings is attached hereto as Schedule A and incorporated herein by  
9 reference. All of these recordings are among the iconic recordings of the "Rock Era," and many  
10 of them have been ranked by Rolling Stone Magazine in its list of Top 500 Rock Songs of All  
11 Time. (Where applicable, the Rolling Stone Magazine ranking of a representative recording on  
12 Schedule A is denoted as "(#)".)

13 11. Plaintiffs' recordings, including the Pre-72 Recordings, are the product of an  
14 enormous investment of time, effort, money, and creative talent in discovering and developing the  
15 recording artists and creating, manufacturing, advertising, promoting, selling, and licensing their  
16 sound recordings. To this day, the Pre-72 Recordings remain highly valuable and popular,  
17 attracting both old and new fans. Plaintiffs continue to invest substantial money, time and effort  
18 in their Pre-72 Recordings, for example, by re-mastering or improving the quality of the Pre-72  
19 Recordings, promoting and advertising the recordings, re-releasing them as "deluxe editions," box  
20 sets, "Greatest Hits" or compilation albums, and arranging to license them for use in commercials,  
21 movies, and streaming services on the Internet. Plaintiffs' investments in their Pre-72 Recordings  
22 have been and are incentivized by their expectation that their investments will be rewarded by the  
23 revenues, royalties, and other compensation received from their ongoing exploitation of these  
24 works.

25 12. Plaintiffs exploit their Pre-72 Recordings in a number of ways, including by  
26 offering for sale compact discs and digital music files for download, by licensing them to digital  
27 services (including for digital streaming to the public), and licensing them for use in audiovisual  
28 works such as motion pictures, television programs, and music videos. Plaintiffs receive

1 payments for, among other uses, the reproduction and digital public performance of their Pre-72  
2 Recordings. The payments that Plaintiffs receive are used to recoup Plaintiffs' ongoing  
3 investment and expenses, and to compensate the recording artists, producers, and others, for their  
4 talent and work in creating the Pre-72 Recordings. The performances of many recording artists  
5 are embodied solely in Pre-72 Recordings, and they and/or their families rely heavily on the  
6 money they receive in return for the performance and other exploitation of those recordings.

7 13. Digital music streaming is becoming an integral part of Plaintiffs' business. As  
8 music consumption habits have changed, and greater numbers of people listen to music via digital  
9 radio channels in lieu of purchasing music on CDs or digital music files, record companies and  
10 their recording artists rely increasingly on revenues from the digital public performance of music,  
11 including Pre-72 Recordings. Thus, it is extremely important to Plaintiffs' business that they are  
12 fairly compensated for such public performances, and that those who profit from the performance  
13 of digital music obtain authorization and pay the record companies and recording artists for their  
14 use of Pre-72 Recordings.

#### 15 SiriusXM And Its Unlawful Conduct

16 14. Defendant SiriusXM is the sole provider of satellite radio service in the United  
17 States. SiriusXM uses satellite technology to transmit its channels to its subscribed listeners.  
18 SiriusXM's channels are beamed from the ground up to satellites, which then transmit digital  
19 audio files to radio receivers possessed by its subscribers. Over the past few years, SiriusXM has  
20 expanded its reach into Internet-based digital streaming transmissions.

21 15. SiriusXM was formed in 2008, as a result of the merger between Sirius Satellite  
22 Radio and XM Satellite Radio. XM Satellite Radio initially launched in September 2001. Sirius  
23 began service in July 2002. Since Sirius earned its first post-merger profit in the fourth quarter of  
24 2009, it has grown rapidly, adding 5 million subscribers to its service. In the second quarter of  
25 2013, the number of SiriusXM subscribers surged to over 25 million. In 2012, the company  
26 earned \$3.4 billion in revenue, and in that year alone automakers installed over 10 million  
27 SiriusXM satellite radios in new cars – roughly two out of every three new cars sold.

1           16.     Prior to 2009, SiriusXM's broadcast activities were limited to satellite  
2 transmissions. In June 2009, it began to offer an application ("App") that allowed users to listen  
3 to over 120 of SiriusXM's channels via their Apple iPhones. In February 2010, SiriusXM  
4 expanded the App for use on Blackberry devices, in May 2010, to Android smartphones, and in  
5 March 2011, to Apple's iPad. In April 2013, Sirius launched "MySXM," an Internet radio service  
6 that allows users to create custom music channels.

7           17.     SiriusXM is a subscription-based service. It sells its service for \$14.49 per month  
8 (for its "Select" package) and \$17.99 per month (for its "Premier" package). The "Select"  
9 package provides over 165 satellite radio channels to its subscribers, including around-the-clock  
10 "commercial-free music, sports, talk, and entertainment." Of the seven categories into which  
11 SiriusXM characterizes its channels (for example, "Sports Talk/Play-by-Play," "News & Issues,"  
12 and "Comedy"), by far the largest category is "Commercial-Free Music," which SiriusXM claims  
13 has 72 channels. (By point of comparison, the second-largest category, "Talk & Entertainment,"  
14 has only 22 channels.) SiriusXM's "Commercial-Free Music" channels range from classical (e.g.  
15 "Met Opera Radio") to contemporary (e.g. "Alt Nation," "Hip-Hop Nation"), to everything in  
16 between (e.g. "Underground Garage," "Prime Country," "enLighten," and "On Broadway").

17           18.     SiriusXM recognizes the enormous value to its business of Pre-72 Recordings and  
18 the popularity of Pre-72 Recordings among its paying subscribers. Therefore, SiriusXM regularly  
19 advertises and promotes the availability of Pre-72 Recordings on its service. A significant portion  
20 of SiriusXM's channels feature classic sound recordings, including channels exclusively devoted  
21 to performing recordings from the '40s, '50s, '60s, and '70s. SiriusXM selects the most popular  
22 and well-known recording artists and Pre-72 Recordings to perform on its service, including those  
23 identified on Schedule A. On the "'60s on 6," channel, for example, SiriusXM lists as among the  
24 "Artists You'll Hear" Plaintiffs' artists such as the Beatles, the Beach Boys, the Supremes, the  
25 Four Tops, the Rolling Stones, Aretha Franklin, Petula Clark, Four Seasons, Simon & Garfunkel,  
26 Tommy James, the Hollies, and Paul Revere. Other channels also are dedicated to or heavily  
27 feature vintage Pre-72 Recordings including "Classic Vinyl" ("60s and 70s Classic Rock"), "Deep  
28 Tracks" ("Deep Classic Rock"), "Soul Town" ("Classic Soul/Motown"), "B.B. King's Bluesville"



1 ("B.B. King's Blues"), and "Willie's Roadhouse" ("Classic Country Songs"). All of the foregoing  
2 channels perform Plaintiffs' Pre-72 Recordings as part of a continuous, uninterrupted public music  
3 feed.

4 19. SiriusXM publicly performs thousands of Plaintiffs' Pre-72 Recordings each day,  
5 to millions of SiriusXM subscribers. Additionally, SiriusXM has reproduced thousands of  
6 Plaintiffs' Pre-72 Recordings. Plaintiffs are informed and believe, and on that basis allege, that  
7 SiriusXM has done so, among other ways, by obtaining Plaintiffs' recordings and copying them to  
8 its servers and to its satellites, ultimately to be transmitted to subscribers. Plaintiffs are informed  
9 and believe, and on that basis allege, that SiriusXM has publicly performed and reproduced  
10 Plaintiffs' Pre-72 Recordings millions of times throughout the United States, including in the State  
11 of California and County of Los Angeles. The list of Pre-72 Recordings identified on Schedule A  
12 is a sampling of Plaintiffs' Pre-72 Recordings that SiriusXM publicly performed on its stations on  
13 only a single day (August 1, 2013). These recordings represent just a small fraction of the total  
14 number of the Pre-72 Recordings played by SiriusXM on an ongoing and regular basis.

15 20. Plaintiffs have never authorized SiriusXM to duplicate or publicly perform any of  
16 their Pre-72 Recordings. Although a significant portion of SiriusXM's \$3.4 billion in revenue is  
17 attributable to Plaintiffs' Pre-72 recordings, and though SiriusXM capitalizes on its customers'  
18 desire to listen to these recordings, SiriusXM refuses to seek authorization from Plaintiffs or pay  
19 any royalties or other compensation to Plaintiffs. This is in sharp contrast to SiriusXM's  
20 recognition that digital public performance royalties are required to be paid for the performance of  
21 post-72 sound recordings protected by the federal Copyright Act.

22 21. By its conduct, SiriusXM not only deprives Plaintiffs of the revenues to which they  
23 and others are entitled, but also undercuts those streaming services that do obtain licenses from,  
24 account to, and pay Plaintiffs for the performance of Plaintiffs' Pre-72 Recordings. Moreover,  
25 SiriusXM's refusal to pay for its widespread use of Pre-72 Recordings directly contravenes  
26 California law and policy, which, as next described, always have provided equal, if not greater,  
27 rights to owners of sound recordings than the federal Copyright Act.

28

09/11/2013

Mitchell  
Silberberg &  
Knapp LLP

1 California's Protections Of Pre-72 Recordings

2 22. Listening to musical sound recordings brings pleasure to tens of millions of people  
3 of all ages and from all walks of life. Sound recordings are enjoyed in homes, in cars, in  
4 restaurants and nightclubs, and at public gatherings. The revenue derived from the sale, licensing,  
5 and other exploitation of sound recordings has provided employment for tens of thousands of  
6 people in California and elsewhere, and the record industry has been a pillar of the California  
7 economy for decades. In turn, for more than 40 years, California has provided uninterrupted  
8 common law and statutory protection to the owners of Pre-72 Recordings against those who  
9 exploit them without license or compensation.

10 23. The existence of a common law property right in Pre-72 Recordings first was  
11 explicitly recognized by California courts in the seminal case of *Capitol Records, Inc. v. Erickson*,  
12 2 Cal. App. 3d 526, 537 (1969). In 1982, California amended its Civil Code to provide, in  
13 addition, statutory protection for Pre-72 Recordings: "[t]he author of an original work of  
14 authorship consisting of a sound recording initially fixed prior to February 15, 1972, has an  
15 exclusive ownership therein until February 15, 2047, as against all persons except one who  
16 independently makes or duplicates another sound recording that does not directly or indirectly  
17 recapture the actual sounds fixed in such prior sound recording, but consists entirely of an  
18 independent fixation of other sounds, even though such sounds imitate or simulate the sounds  
19 contained in the prior sound recording." Civil Code § 980(a)(2).

20 24. In 1972, the United States Copyright Act was amended to add for the first time  
21 "sound recordings" to the list of works protected under federal copyright law. 17 U.S.C. §  
22 102(a)(7). At the same time, Congress also preserved "any rights or remedies under the common  
23 law or statutes of any State" with respect to sound recordings "fixed" before February 15, 1972.  
24 17 U.S.C. § 301(c). As a result, pre-existing California protection for Pre-72 Recordings was left  
25 untouched and subject to evolution and refinement by the courts and the state legislature.  
26 California's commitment to protecting Pre-72 Recordings was reaffirmed by the subsequent  
27 amendment to Civil Code § 980 in 1982. Unlike the inclusive scope of protection afforded to Pre-  
28 72 Recordings by California state law, Congress initially limited the federal sound recording



1 copyright to include certain of the exclusive rights conferred on other works – namely, the rights  
2 of reproduction, adaptation, and distribution – and to exclude the right to publicly perform sound  
3 recordings. California law, by contrast, has never delimited, either explicitly or implicitly, the  
4 scope of common law or statutory protection of Pre-72 Recordings, and did not exclude the right  
5 of public performance from the rights of “exclusive ownership” in Pre-72 Recordings.

6       25. This broad protection afforded to Pre-72 Recordings is consistent with the  
7 recognition by California courts and the California legislature of critical, important public policy  
8 interests in providing strong state law protection for sound recordings. These interests include (as  
9 explained by the court in the *Capitol Records* case) ensuring that record companies receive  
10 compensation from their “substantial” expenditure of “effort, skill, and money in selecting  
11 performing artists and obtaining the exclusive right to record their performances” (2 Cal. App. 3d  
12 at 537); as well as ensuring that the owners of sound recordings possess powerful and appropriate  
13 remedies against those who seek to unfairly appropriate and profit from such artistic  
14 performances. California’s protections for sound recordings thus are complete and robust,  
15 providing that authors possess exclusive ownership interests in those recordings that are not  
16 limited in any way. These protections encompass virtually any conduct by which individuals or  
17 entities seek to profit from the skill and labor of Plaintiffs and their recording artists by  
18 appropriating and exploiting Pre-72 Recordings for their own benefit, including by unauthorized  
19 and unlicensed reproduction and public performance.

20       26. The need for effective state law protection of sound recordings is especially great  
21 today. Owners of sound recordings face constant threats from individuals and entities who seek to  
22 exploit those recordings for their own benefit, without authorization from or compensation to  
23 those who have created the recordings and have undertaken the massive investment required to  
24 make them and provide them to the public. The rise of digital media has made this threat acute, as  
25 virtually anyone with a computer and an Internet connection can copy and then distribute and  
26 perform high-quality music instantaneously to millions. As digital technology has improved,  
27 broadband Internet access has become more readily available, and the cost of digital services has  
28 diminished, music consumption habits have changed. Music consumers increasingly obtain and

1 enjoy music via online or satellite "radio" or digital streaming services instead of purchasing CDs  
2 or digital music files. Today's digital streaming services take a variety of forms, ranging from  
3 high-quality subscription radio channels, to "customized" or preference-based Internet radio  
4 services, to digital on-demand services.

5 27. To address the anticipated shift in music consumption habits and the rise of digital  
6 radio services and, therefore, the need to provide *federal* protection for the performance of  
7 copyrighted sound recordings, Congress passed the Digital Performance Rights in Sound  
8 Recordings Act ("DPRA"), granting owners of *post-72* copyrighted sound recordings the right to  
9 "perform the copyrighted work publicly by means of a digital audio transmission." 17 U.S.C.  
10 § 106(6). In enacting this legislation, Congress explained the need for this performance right as  
11 follows:

12 Trends within the music industry, as well as the telecommunications  
13 and information services industries, suggest that digital transmission  
14 of sound recordings is likely to become a very important outlet for  
15 the performance of recorded music in the near future.... These new  
16 digital transmission technologies may permit consumers to enjoy  
17 performances of a broader range of higher-quality recordings than  
18 has ever before been possible... However, in the absence of  
19 appropriate copyright protection in the digital environment, the  
20 creation of new sound recordings and musical works could be  
21 discouraged, ultimately denying the public some of the potential  
22 benefits of the new digital transmission technologies. Current  
23 copyright law is inadequate to address all of the issues raised by  
24 these new technologies dealing with the digital transmission of  
25 sound recordings and musical works and, thus, to protect the  
26 livelihoods of the recording artists, songwriters, record companies,  
27 music publishers and others who depend upon revenues derived  
28 from traditional record sales. H.R. Rep. No. 104-274 (1995).

1           28.     California had provided common law and statutory protection for Pre-72  
2 Recordings without any exclusions and including the right of public performance. However, the  
3 issues Congress noted when it enacted the DPRA apply equally to Pre-72 Recordings. Pre-72  
4 Recordings comprise a significant and important share of the overall body of existing musical  
5 recordings, and include some of the most popular and valued recordings in history. Many digital  
6 radio channels and services are dedicated entirely to the dissemination and performance of Pre-72  
7 Recordings, such as classic rock, jazz, R&B, and classical recordings. The interests of fairness  
8 and just compensation that underlie California's common law and Civil Code Section 980 compel  
9 the conclusion that those, like SiriusXM, who build their business and make money from the  
10 copying and public performance of Pre-72 Recordings must obtain the right to use them and  
11 compensate their owners. Were it otherwise, federal copyright protection for sound recordings  
12 would be more extensive than California's protection for Pre-72 Recordings. That has never been  
13 the law, and is not the law now.

14  
15                                   **FIRST CAUSE OF ACTION**

16                           **(Violation Of California Civil Code Section 980(a)(2))**

17           29.     Plaintiffs incorporate by reference each and every allegation contained in  
18 paragraphs 1 through 28, inclusive.

19           30.     Plaintiffs possess "exclusive ownership" interests in and to their Pre-72  
20 Recordings, pursuant to California Civil Code Section 980(a)(2), which provides: "The author of  
21 an original work of authorship consisting of a sound recording initially fixed prior to February 15,  
22 1972, has an exclusive ownership therein until February 15, 2047...." Therefore, as owners of  
23 their Pre-72 Recordings, Plaintiffs have all the exclusive rights to exploit those recordings,  
24 including, but not limited to, the rights to manufacture, copy, sell, distribute, broadcast, and  
25 publicly perform their Pre-72 Recordings, including by digital transmission.

26           31.     Plaintiffs have not authorized Defendants to publicly perform, reproduce, or  
27 otherwise exploit their Pre-72 Recordings via their satellite and digital Internet transmissions.

1 Defendants do not have the right to reproduce or publicly perform their Pre-72 Recordings and  
2 have never compensated Plaintiffs for Defendants' exploitation of their Pre-72 Recordings.

3 32. Through their conduct alleged herein, Defendants have violated Plaintiffs'  
4 exclusive rights to publicly perform and reproduce their Pre-72 Recordings, including those  
5 identified on Schedule A.

6 33. Plaintiffs are harmed, and a new violation of Civil Code Section 980(a)(2) occurs,  
7 giving rise to a new liability, each time Defendants reproduce or publicly perform one of  
8 Plaintiffs' Pre-72 Recordings without the right to do so. As a direct and proximate result of  
9 Defendants' conduct in violation of Plaintiffs' exclusive rights under Section 980(a)(2) in and to  
10 their Pre-72 Recordings, Defendants have received proceeds and Plaintiffs have been damaged in  
11 an amount to be proven at trial.

12 34. Defendants are guilty of oppression, fraud or malice, and Plaintiffs, in addition to  
13 their actual damages, are, by reason thereof, entitled to recover exemplary and punitive damages  
14 against Defendants.

15 35. Defendants' conduct is causing, and unless enjoined and restrained by this Court  
16 will continue to cause, Plaintiffs great and irreparable injury that cannot fully be compensated or  
17 measured in money. Plaintiffs have no adequate remedy at law. Plaintiffs are entitled to  
18 preliminary and permanent injunctions prohibiting further violation of Plaintiffs' exclusive  
19 ownership rights in their Pre-72 Recordings pursuant to Section 980(a)(2).

20  
21 **SECOND CAUSE OF ACTION**

22 **(Common Law Misappropriation)**

23 36. Plaintiffs incorporate by reference each and every allegation contained in  
24 paragraphs 1 through 28, inclusive.

25 37. Through their conduct alleged herein, Defendants have misappropriated Plaintiffs'  
26 intangible rights, property, skill, and labor embodied in their Pre-72 Recordings, in violation of  
27 Plaintiffs' rights in such recordings, including those identified in Schedule A, to Plaintiffs' harm  
28 and detriment.





44. As a direct and proximate result of Defendants' unfair competition, Plaintiffs have been damaged, and Defendants have been unjustly enriched, in an amount to be proven at trial for which damages and/or restitution and disgorgement is appropriate. Such damages and/or restitution and disgorgement should include a declaration by this Court that Defendants are constructive trustees for the benefit of Plaintiffs, and an order that Defendants convey to Plaintiffs the gross receipts received or to be received by them that are attributable to infringement of their Pre-72 Recordings.

45. Defendants' conduct is causing, and unless enjoined and restrained by this Court will continue to cause, Plaintiffs great and irreparable injury that cannot fully be compensated or measured in money. Plaintiffs have no adequate remedy at law. Pursuant to California Business & Professions Code § 17203, Plaintiffs are entitled to preliminary and permanent injunctions prohibiting further acts of unfair competition.

**FOURTH CAUSE OF ACTION**  
**(Conversion)**

46. Plaintiffs incorporate by reference each and every allegation contained in paragraphs 1 through 28, inclusive.

47. Plaintiffs are, and at relevant times were, the exclusive owners of all right, title, and interest in and to their Pre-72 Recordings. Plaintiffs' rights in their Pre-72 Recordings constitute intangible property.

48. By the acts and conduct alleged herein, Defendants have exercised dominion or control over Plaintiffs' Pre-72 Recordings and have applied Plaintiffs' property to their own use and benefit, without license or consent, and converted Plaintiffs' property rights in their Pre-72 Recordings, including those identified on Schedule A.

49. Plaintiffs are harmed, and a new act of conversion occurs giving rise to a new liability, each time that Defendants reproduce or publicly perform one of Plaintiffs' Pre-72 Recordings without the right to do so. As a direct and proximate result of Defendants' acts of conversion, Plaintiffs have been damaged, and Defendants have been unjustly enriched, in an

1 amount to be proven at trial for which damages and/or restitution and disgorgement of  
2 Defendants' gross receipts is appropriate.

3 50. Defendants are guilty of oppression, fraud or malice, and Plaintiffs, in addition to  
4 their actual damages, by reason thereof, are entitled to recover exemplary and punitive damages  
5 against Defendants.

6 51. Defendants' conduct is causing, and unless enjoined and restrained by this Court  
7 will continue to cause, Plaintiffs great and irreparable injury that cannot fully be compensated or  
8 measured in money. Plaintiffs have no adequate remedy at law. Plaintiffs are entitled to  
9 preliminary and permanent injunctions prohibiting further acts of conversion.

10  
11 **FIFTH CAUSE OF ACTION**

12 **(Declaratory Relief)**

13 52. Plaintiffs incorporate by reference each and every allegation contained in  
14 paragraphs 1 through 28, inclusive.

15 53. An actual dispute has arisen and now exists between Plaintiffs, on the one part, and  
16 Defendants, on the other part.

17 54. Plaintiffs contend that Defendants' ongoing and future copying, public  
18 performance, and exploitation of Plaintiffs' Pre-72 Recordings, without Plaintiffs' authorization or  
19 consent, and without compensation to Plaintiffs, violates Plaintiffs' exclusive reproduction and  
20 public performance rights in their Pre-72 Recordings under California Civil Code Section  
21 980(a)(2) and the common law. Defendants dispute Plaintiffs' contention and contend otherwise.

22 55. Plaintiffs request a judicial declaration of the rights and duties of the parties with  
23 respect to Plaintiffs' property, specifically that Defendants' unauthorized, ongoing and future  
24 reproduction and public performances of Plaintiffs' Pre-72 Recordings, without authorization,  
25 consent or payment, violate Plaintiffs' exclusive rights under California Civil Code Section  
26 980(a)(2) and the common law.

27 56. Such a declaration is necessary and proper at this time under all the circumstances  
28 in order to resolve present and continuing disputes between the parties, to prevent further violation

1 of Plaintiffs' exclusive rights in their Pre-72 Recordings, and to avoid a multiplicity of future  
2 actions.

3  
4 WHEREFORE, Plaintiffs pray for a judgment and declaration against Defendants, and  
5 each of them, jointly and severally, as follows:

6 1. Preliminary and permanent injunctions enjoining and restraining Defendants, and  
7 each of them, and their respective agents, servants, directors, officers, principals, employees,  
8 representatives, subsidiaries and affiliated companies, successors, assigns, and those acting in  
9 concert with them or at their direction, from directly or indirectly infringing in any manner any  
10 right in any and all Pre-72 Recordings in which any Plaintiff owns or controls an exclusive right  
11 under statutory or common law, including without limitation by directly or indirectly reproducing  
12 and publicly performing any of Plaintiffs' Pre-72 Recordings, including but not limited to those  
13 identified on Schedule A.

14 2. Imposition of a constructive trust.

15 3. Restitution of Defendants' unlawful proceeds, including Defendants' gross receipts  
16 attributable to their unauthorized use of Plaintiffs' Pre-72 Recordings.

17 4. Damages according to proof.

18 5. Punitive damages in such amount as may be awarded at trial.

19 6. A declaration that Defendants' unauthorized, ongoing, and future reproduction and  
20 public performances of Plaintiffs' Pre-72 Recordings without authorization, consent or payment,  
21 violate Plaintiffs' exclusive rights under California Civil Code Section 980(a)(2) and the common  
22 law.

23 //

24  
25 //

26  
27 //

28

09/11/2015  
Mitchell  
Silberberg &  
Knapp LLP

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

7. Prejudgment interest according to law.

8. Such other and further relief as the Court may deem just and proper.

DATED: September 11, 2013

RUSSELL J. FRACKMAN  
MARC E. MAYER  
EMILY F. EVITT  
MITCHELL SILBERBERG & KNUPP LLP

By:   
Russell J. Frackman  
Attorneys for Plaintiffs

09/11/2013

Mitchell  
Silberberg &  
Knupp LLP

## 1

2

3

4

5

6

3

9

C

10

11

15

13

1.

1.

1

1

1

1

1

531683.3



09/11/2013

SCHEDULE A

**Representative Sampling of Plaintiffs' Pre-1972  
Sound Recordings Infringed by Sirius XM**

Artist	Title
1910 Fruitgum Company	Indian Giver
1910 Fruitgum Company	Simon Says
Adam Faith	It's Alright
Alice Cooper	I'm Eighteen (#487)
Allman Brothers	Midnight Rider
Allman Brothers	Revival
Allman Brothers Band	Hoochie Coochie Man
Alvino Rey	The Army Air Corps
Andrews Sisters	Don't Sit Under The Apple Tree
Andrews Sisters	Mister Five by Five
Andrews Sisters	Near You
Andrews Sisters	Nice Work If You Can Get It
Andrews Sisters	Pennsylvania Polka
Andrews Sisters	Six Jerks In A Jeep
Andrews Sisters	Strip Polka
Andrews Sisters	The Lady from 29 Palms
Andrews Sisters	Well All Right (Tonight's the Night)
Angels	My Boyfriend's Back
Animals	Don't Let Me Be Misunderstood (#322)
Animals	It's My Life
Animals	We Gotta Get Out of This Place (#235)
Anne Murray	Cotton Jenny
Anne Murray	Snowbird
Applejacks	Mexican Hat Rock
Archie Bell & The Drells	(There's Gonna Be A) Showdown
Archie Bell & The Drells	I Can't Stop Dancing
Aretha Franklin	A Natural Woman
Aretha Franklin	Baby I Love You
Aretha Franklin	Call Me
Aretha Franklin	Respect (#5)
Aretha Franklin	Rock Steady
Aretha Franklin	Think
Aretha Franklin	You're All I Need To Get By
Argent	Hold Your Head Up
Arthur Conley	Funky Street
Arthur Conley	Sweet Soul Music
Artie Shaw	At Sundown
Artie Shaw	Back Bay Shuffle
Artie Shaw	Begin the Beguine
Artie Shaw	It's A Long Way To Tipperary
Artie Shaw	Little Jazz
Artie Shaw	Moonglow
Artie Shaw	Rose Room

09/11/2013

*Schedule A*

**Representative Sampling of Plaintiffs' Pre-1972  
Sound Recordings Infringed by Sirius XM**

Artist	Title
Artie Shaw	Traffic Jam
Artie Shaw	What Is This Thing Called Love?
Artie Shaw	When Winter Comes
Artie Shaw v/Helen Forrest	Comes Love
Baby Washington	That's How Heartaches Are Made
Badfinger	Come And Get It
Badfinger	No Matter What
Barbara George	I Know (You Don't Love Me No More)
Barbara Lewis	Hello Stranger
Barbara Mandrell	Tonight My Baby's Comin' Home
Barbara Mason	Oh How It Hurts
Bar-Kays	Soul Finger
Barrett Strong	Money (That's What I Want) (#294)
Barry & The Tamerlanes	I Wonder What She's Doing Tonight
Barry Mann	Who Put The Bomp
Beach Boys	Be True To Your School
Beach Boys	California Girls (#72)
Beach Boys	Catch a Wave
Beach Boys	Do It Again
Beach Boys	Fun, Fun, Fun
Beach Boys	God Only Knows (#25)
Beach Boys	Hang On To Your Ego
Beach Boys	Help Me Rhonda
Beach Boys	Here Today
Beach Boys	I Get Around
Beach Boys	In My Room (#212)
Beach Boys	Little Deuce Coupe
Beach Boys	Sloop John B (#276)
Beach Boys	Surfer Girl
Beach Boys	Surfin' Safari
Beach Boys	Wouldn't It Be Nice
Beatles	Across The Universe
Beatles	And I Love Her
Beatles	Another Girl
Beatles	Baby's In Black
Beatles	Bad Boy
Beatles	Birthday
Beatles	Blackbird
Beatles	Can't Buy Me Love (#295)
Beatles	Come Together (#205)
Beatles	Dig It
Beatles	Doctor Robert
Beatles	Don't Bother Me

**Representative Sampling of Plaintiffs' Pre-1972  
Sound Recordings Infringed by Sirius XM**

Artist	Title
Beatles	Drive My Car
Beatles	Eleanor Rigby (#138)
Beatles	For You Blue
Beatles	From Me to You
Beatles	Good Morning Good Morning
Beatles	Hello Goodbye
Beatles	Here Comes The Sun
Beatles	Hey Bulldog
Beatles	I Am The Walrus
Beatles	I Me Mine
Beatles	I Want You (She's So Heavy)
Beatles	I'll Be Back
Beatles	I'll Cry Instead
Beatles	I'm Looking Through You
Beatles	In My Life (#23)
Beatles	Let It Be (#20)
Beatles	Michelle
Beatles	Norwegian Wood (#83)
Beatles	Not A Second Time
Beatles	Nowhere Man
Beatles	Oh! Darling
Beatles	Penny Lane (#456)
Beatles	Piggies
Beatles	Rain (#469)
Beatles	She Loves You (#64)
Beatles	Slow Down
Beatles	Strawberry Fields Forever (#76)
Beatles	The Ballad Of John And Yoko
Beatles	The Long And Winding Road
Beatles	The Night Before
Beatles	Things We Said Today
Beatles	Ticket To Ride (#394)
Beatles	Tomorrow Never Knows
Beatles	With A Little Help From My Friends
Beatles	Yellow Submarine
Beatles	Yesterday (#13)
Beatles	You Won't See Me
Beatles	You've Got To Hide Your Love Away
Ben E. King	Don't Play That Song
Ben E. King	I (Who Have Nothing)
Ben E. King	Stand By Me (#122)
Benny Goodman v/Helen Forrest	Taking A Chance On Love
Benny Goodman v/Helen Ward	Goody Goody

03/11/2013

**Representative Sampling of Plaintiffs' Pre-1972  
Sound Recordings Infringed by Sirius XM**

Artist	Title
Benny Goodman v/Mildred Bailey	Darn That Dream
Benny Goodman v/Peggy Lee	Why Don't You Do Right?
Benny Spellman	Lipstick Traces (On A Cigarette)
Betty Wright	Clean Up Woman
Big Bopper	Chantilly Lace
Big Dee Irwin	Swingin' on a Star
Big Joe Turner	Shake, Rattle & Roll (#127)
Bill Anderson	Bright Lights and Country Music
Bill Anderson	I Get The Fever
Bill Anderson	That's What It's Like To Be Lonesome
Bill Anderson	Walk Out Backwards
Bill Anderson	Wild Weekend
Bill Cosby	Little Ole Man (Uptight-Everything's Alright)
Bill Haley	Crazy Man Crazy
Bill Haley & His Comets	See You Later, Alligator
Bill Haley and his Comets	(We're Gonna) Rock Around the Clock (#159)
Bill Withers	Lean On Me (#208)
Billie Holiday	Body And Soul
Billie Holiday	Nice Work If You Can Get It
Billy Fury	Nothin' Shakin'
Billy Grammer	Gotta Travel On
Billy J. Kramer & the Dakotas	Little Children
Billy Joe Royal	Down in the Boondocks
Billy Joe Royal	I Knew You When
Billy Preston	Outa-Space
Billy Stewart	I Do Love You
Billy Stewart	Sitting In The Park
Billy Walker	A Million And One
Billy Walker	Charlie's Shoes
Billy Walker	Circumstances
Billy Walker	Cross The Brazos At Waco
Billy Walker	From The Bottle To The Bottom
Billy Walker	In Del Rio
Billy Walker	Willie the Weeper
Bing Crosby	Red Sails In The Sunset
Bing Crosby	Remember Me
Bing Crosby	Swinging on a Star
Bing Crosby	The Very Thought of You
Bing Crosby / Louis Armstrong / Frances Langford	Pennies From Heaven
Birds	You're On My Mind
Blind Faith	Well All Right
Blood, Sweat & Tears	And When I Die

09/11/2013



**Representative Sampling of Plaintiffs' Pre-1972  
Sound Recordings Infringed by Sirius XM**

Artist	Title
Blood, Sweat & Tears	Spinning Wheel
Blood, Sweat & Tears	You've Made Me So Very Happy
Blues Image	Ride Captain Ride
Blues Magoos	(We Ain't Got) Nothing Yet
Bo Diddley	Hey Bo Diddley!
Bo Diddley	I'm a Man (#378)
Bo Diddley	Say Man
Bob Chester	Oh! Look At Me Now
Bob Dylan	All Along The Watchtower
Bob Dylan	Down Along the Cove
Bob Dylan	From A Buick 6
Bob Dylan	House Carpenter
Bob Dylan	I Want You
Bob Dylan	Lay Lady Lay
Bob Dylan	Leopard-Skin Pill-Box Hat
Bob Dylan	Like A Rolling Stone (#1)
Bob Dylan	Million Dollar Bash
Bob Dylan	Mr. Tambourine Man (#107)
Bob Dylan	Obviously 5 Believers
Bob Dylan	Outlaw Blues
Bob Dylan	Please Mrs. Henry
Bob Dylan	Positively 4th Street (#206)
Bob Dylan	Stuck Inside Of Mobile With The Memphis Blues Again
Bob Lind	Elusive Butterfly
Bob Luman	Come on Home (And Sing the Blues to Daddy)
Bob Wills & His Texas Playboys	Right or Wrong
Bobbie Gentry	Fancy
Bobbie Gentry	Ode To Billie Joe (#419)
Bobby Bare	500 Miles Away From Home
Bobby Bare	Detroit City
Bobby Bare	Margie's At The Lincoln Park Inn
Bobby Bare	Miller's Cave
Bobby Darin	18 Yellow Roses
Bobby Darin	Beyond the Sea
Bobby Darin	Clementine
Bobby Darin	Dream Lover
Bobby Darin	Queen of the Hop
Bobby Darin	Splish Splash
Bobby Darin	Things
Bobby Freeman	Betty Lou Got a New Pair of Shoes
Bobby Freeman	Do You Wanna Dance
Bobby Fuller Four	I Fought the Law (#177)
Bobby Goldsboro	Autumn of My Life

09/11/2013

**Representative Sampling of Plaintiffs' Pre-1972  
Sound Recordings Infringed by Sirius XM**

Artist	Title
Bobby Goldsboro	It's Too Late
Bobby Hebb	Sunny
Bobby Helms	My Special Angel
Bobby Rydell	Forget Him
Bobby Rydell	I've Got Bonnie
Bobby Rydell	Swingin' School
Bobby Rydell	That Old Black Magic
Bobby Rydell	We Got Love
Bobby Short	Bye Bye Blackbird
Bobby Vee	Beautiful People
Bobby Vee	Come Back When You Grow Up
Bobby Vee	Rubber Ball
Bobby Vee	Run to Him
Bobby Vee	Take Good Care of My Baby
Bobby Vee	The Night Has a Thousand Eyes
Bobby Vee	Walkin' With My Angel
Bobby Vinton	Blue on Blue
Bobby Vinton	Blue Velvet
Bobby Womack	That's The Way I Feel About 'Cha
Booker T. & The MG's	Green Onions (#183)
Booker T. & The MG's	Time Is Tight
Boyd Bennett and his Rockets	Seventeen
Bread	Make It With You
Brenda Lee	All Alone Am I
Brenda Lee	As Usual
Brenda Lee	Bigelow 6-200
Brenda Lee	Dum Dum
Brenda Lee	Losing You
Brenda Lee	Sweet Nothin's
Brenda Lee	That's All You Gotta Do
Brook Benton	Fools Rush In
Brook Benton	Hotel Happiness
Brook Benton	Thank You Pretty Baby
Brooklyn Bridge	Blessed Is The Rain
Brooklyn Bridge	Worst That Could Happen
Bruce Channel	Hey! Baby
Buddy Clark	How Are Things In Glocca Morra
Buddy Holly	Everyday (#238)
Buddy Holly	It Doesn't Matter Anymore
Buddy Holly	It's So Easy
Buddy Holly	Peggy Sue (#197)
Buddy Holly	Raining in My Heart
Buddy Holly	True Love Ways

**Representative Sampling of Plaintiffs' Pre-1972  
Sound Recordings Infringed by Sirius XM**

Artist	Title
Buddy Holly	Words of Love
Buddy Holly & the Crickets	That'll Be The Day (#39)
Buddy Knox	Hula Love
Buddy Knox	Party Doll
Buddy Morrow	More
Buddy Morrow	Shanghai
Buffalo Springfield	Bluebird
Buffalo Springfield	For What It's Worth
Buffalo Springfield	Hung Upside Down
Bunny Berigan	A Study in Brown
Bunny Berigan	I Can't Get Started
Bunny Berigan	Peg O' My Heart
Bunny Berigan	Sophisticated Swing
Burl Ives	Funny Way Of Laughin'
Buzz Clifford	Babysittin' Boogie
Byrds	All I Really Want To Do
Byrds	Ballad Of Easy Rider
Byrds	Draft Morning
Byrds	Eight Miles High (#151)
Byrds	I'll Feel A Whole Lot Better (#237)
Byrds	It's All Over Now, Baby Blue
Byrds	John Riley
Byrds	Mr. Spaceman
Byrds	Mr. Tambourine Man (#79)
Byrds	My Back Pages
Byrds	She Don't Care About Time
Byrds	So You Want To Be A Rock 'N' Roll Star
Byrds	Turn! Turn! Turn!
Byrds	Welcome Back Home
Cab Calloway	A Chicken Ain't Nothin' But a Bird
Cab Calloway	Hi-De-Ho Man
Cab Calloway	The Honeydripper
Cadillacs	My Girlfriend
Canned Heat	Going Up The Country
Canned Heat	On The Road Again
Carl Dobkins Jr.	Lucky Devil
Carl Dobkins Jr.	My Heart Is An Open Book
Carly Simon	Anticipation
Carole King	I Feel The Earth Move
Carpenters	We've Only Just Begun (#414)
Cascades	Rhythm Of The Rain
Cat Stevens	Peace Train
Charley Pride	Just Between You and Me

00711/2013

**Representative Sampling of Plaintiffs' Pre-1972  
Sound Recordings Infringed by Sirius XM**

Artist	Title
Charlie Barnet	Knocking at the Famous Door
Charlie Barnet	Leapin' At The Lincoln
Charlie Barnet	Only a Rose
Charlie Barnet	The All Night Record Man
Charlie Barnet	Where Was I?
Charlie Drake	My Boomerang Won't Come Back
Charlie Spivak	Old Devil Moon
Charlie Spivak v/Gary Stevens	My Devotion
Charlie Spivak v/Jimmy Saunders	(I Love You) For Sentimental Reasons
Cher	Gypsies, Tramps And Thieves
Chicago	25 Or 6 To 4
Chicago	Beginnings
Chicago	Does Anybody Really Know What Time It Is
Chicago	It Better End Soon / Where Do We Go
Chicago	Make Me Smile
Chick Webb	Darktown Strutters' Ball
Chick Webb/Ella Fitzgerald	A-Tisket, A-Tasket
Chick Webb/Ella Fitzgerald	Undecided
Chips	Rubber Biscuit
Chris Montez	Call Me
Chubby Checker	Hey, Bobba Needle
Chubby Checker	Hucklebuck
Chubby Checker	Pony Time
Chubby Checker	Slow Twistin'
Chubby Checker	The Fly
Chubby Checker	The Twist (#457)
Chubby Checker	Twist It Up
Chuck Berry	Around & Around
Chuck Berry	Brown Eyed Handsome Man (#383)
Chuck Berry	Guitar Boogie
Chuck Berry	Johnny B. Goode (#7)
Chuck Berry	Let It Rock
Chuck Berry	Little Queenie
Chuck Berry	No Particular Place to Go
Chuck Berry	Rock And Roll Music (#129)
Chuck Berry	School Day
Chuck Berry	Sweet Little Sixteen (#277)
Chuck Berry	Too Much Monkey Business
Chuck Willis	C.C. Rider
Cilla Black	You're My World
Clarence Carter	Slip Away
Clarence 'Frogman' Henry	(I Don't Know Why) But I Do
Clarence 'Frogman' Henry	Ain't Got No Home

09/11/2013

**Representative Sampling of Plaintiffs' Pre-1972  
Sound Recordings Infringed by Sirius XM**

Artist	Title
Classics IV	Every Day With You Girl
Classics IV	Spooky
Classics IV	Traces
Classics IV & Dennis Yost	Stormy
Claude King	Wolverton Mountain
Cliff Nobles & Company	The Horse
Clint Miller	Bertha Lou
Clovers	Devil Or Angel
Clovers	Love Potion No. 9
Clyde McPhatter	A Lover's Question
Clyde McPhatter	Treasure Of Love
Connie Francis	(He's My) Dreamboat
Connie Francis	Everybody's Somebody's Fool
Connie Francis	If My Pillow Could Talk
Connie Francis	Lipstick on Your Collar
Connie Francis	Many Tears Ago
Connie Francis	Second Hand Love
Connie Francis	Vacation
Connie Smith	Cincinnati, Ohio
Connie Smith	Nobody But A Fool (Would Love You)
Connie Smith	Ribbon of Darkness
Connie Smith	You and Your Sweet Love
Conway Twitty	Fifteen Years Ago
Conway Twitty	It's Only Make Believe
Conway Twitty	Lonely Blue Boy
Cootie Williams	Airmail Special
Cornelius Bros. & Sister Rose	Treat Her Like A Lady
Count Basie	9-20 Special
Count Basie	Jivin' Joe Jackson
Count Basie	Robbin's Nest
Count Basie	Somebody Stole My Gal
Count Basie v/Helen Humes	All Or Nothing At All
Count Basie v/Jimmy Rushing	Blue Skies
Cream	Badge
Cream	Crossroads
Cream	Deserted Cities of the Heart
Cream	Steppin' Out
Cream	Tales Of Brave Ulysses
Cream	White Room (#376)
Crosby Stills & Nash	Long Time Gone
Crosby Stills Nash & Young	Carry On
Crosby Stills Nash & Young	Ohio (#395)
Crosby Stills Nash & Young	Teach Your Children

03/11/2013



The figure consists of nine small diagrams arranged vertically, labeled A through I. Diagram A shows a cell with a single nucleus. Diagram B shows the nucleus with internal structures. Diagram C shows the nucleus with a more defined structure. Diagram D shows the nucleus with a more complex internal structure. Diagram E shows the nucleus with a more complex internal structure. Diagram F shows the nucleus with a more complex internal structure. Diagram G shows the nucleus with a more complex internal structure. Diagram H shows the nucleus with a more complex internal structure. Diagram I shows the nucleus with a more complex internal structure.

10 of 36

**Representative Sampling of Plaintiffs' Pre-1972  
Sound Recordings Infringed by Sirius XM**

Artist	Title
Dick Haymes/Helen Forrest	Long Ago (And Far Away)
Dick Jurgens v/Buddy Moreno	Hip Hip Hooray
Dickey Lee	Patches
Dion	Abraham, Martin & John
Dion	Drip Drop
Dion	Little Diane
Dion	Runaround Sue (#351)
Dion	The Wanderer (#243)
Dion & the Belmonts	A Teenager in Love
Dion & The Belmonts	In The Still Of The Night
Dionne Warwick	I Say A Little Prayer
Dionne Warwick	Walk on By (#70)
Dobie Gray	The 'In' Crowd
Dolly Parton	Just Because I'm A Woman
Dolly Parton	Mule Skinner Blues
Don Gibson	Funny Familiar Forgotten Feelings
Don Gibson	I Can't Stop Loving You
Don Gibson	Lonesome Number One
Don Gibson	Sweet Dreams
Donny Hathaway	The Ghetto
Donny Osmond	Sweet & Innocent
Donovan	Atlantis
Donovan	Barabajagal
Donovan	Hurdy Gurdy Man
Donovan	Sunshine Superman
Doors	Back Door Man
Doors	Break On Through
Doors	Hello, I Love You
Doors	Light My Fire (#35)
Doors	Love Her Madly
Doors	Love Me Two Times
Doors	Maggie M'Gill
Doors	People Are Strange
Doors	Queen Of The Highway
Doors	Roadhouse Blues
Doors	Touch Me
Doors	Waiting for the Sun
Doors	Yes, The River Knows
Doris Day	Someday I'll Find You
Doris Day	Someone Like You
Doris Day w/Harry James	I Only Have Eyes For You
Doris Day w/Paul Weston	A Guy Is A Guy
Doris Day/Buddy Clark	Love Somebody

**Representative Sampling of Plaintiffs' Pre-1972  
Sound Recordings Infringed by Sirius XM**

Artist	Title
Doris Troy	Just One Look
Dottie West	Here Comes My Baby
Dottie West	Paper Mansions
Dovells	Bristol Stomp
Dovells	You Can't Sit Down
Dramatics	Get Up And Get Down
Dramatics	Whatcha See Is Whatcha Get
Drifters	Adorable
Drifters	Bip Bam
Drifters	Dance With Me
Drifters	Fools Fall In Love
Drifters	Honey Love
Drifters	On Broadway
Drifters	Saturday Night at the Movies
Drifters	Save The Last Dance For Me (#184)
Drifters	There Goes My Baby (#196)
Drifters	Under the Boardwalk (#489)
Drifters	Up on the Roof (#114)
Drifters	When My Little Girl Is Smiling
Dubs	Don't Ask Me To Be Lonely
Duke Ellington	Perdido
Duke Ellington v/Al Hibbler	Don't Get Around Much Anymore
Duke Ellington v/Ivie Anderson	When My Sugar Walks Down The Street
Dusty Springfield	I Only Want To Be With You
Dusty Springfield	Son of a Preacher Man (#242)
Dusty Springfield	Wishin' and Hopin'
Dusty Springfield	You Don't Have To Say You Love Me
Eagles	Witchy Woman
Eddie Cochran	Jeanie, Jeanie, Jeanie
Eddie Cochran	Somethin' Else
Eddie Cochran	Summertime Blues (#74)
Eddie Floyd	Knock on Wood
Eddie Holland	Leaving Here
Eddie 'Rochester' Anderson	My! My!
Edison Lighthouse	Love Grows (Where My Rosemary Goes)
Edwin Starr	War
Ella Fitzgerald	Manhattan
Ella Fitzgerald	Stairway To The Stars
Ella Fitzgerald & her Orchestra	Lindy Hopper's Delight
Ella Fitzgerald & Marty Paich	You Hit the Spot
Ella Mae Morse	No Love, No Nothin'
Elton John	Tiny Dancer (#397)
Elvis Presley	All Shook Up (#361)

09/11/2013

**Representative Sampling of Plaintiffs' Pre-1972  
Sound Recordings Infringed by Sirius XM**

Artist	Title
Elvis Presley	Baby Let's Play House
Elvis Presley	Don't Be Cruel (#200)
Elvis Presley	Don't Cry Daddy
Elvis Presley	Good Rockin' Tonight
Elvis Presley	Have I told You Lately That I Love
Elvis Presley	His Latest Flame
Elvis Presley	I Got Stung
Elvis Presley	If I Can Dream
Elvis Presley	In the Ghetto
Elvis Presley	It's Now or Never
Elvis Presley	Jailhouse Rock (#67)
Elvis Presley	Kentucky Rain
Elvis Presley	Suspicious Minds (#91)
Elvis Presley	Wear My Ring Around Your Neck
Eric Burdon & The Animals	San Franciscan Nights
Eric Burdon & The Animals	Sky Pilot
Eric Clapton	After Midnight
Eric Clapton	Let It Rain
Ernie K-Doe	Mother-In-Law
Ernie Maresca	Shout! Shout! (Knock Yourself Out)
Erroll Garner	Misty
Erskine Hawkins	Tuxedo Junction
Etta James	Tell Mama
Everly Brothers	Cathy's Clown (#150)
Everly Brothers	Made To Love
Everly Brothers	So Sad (To Watch Good Love Go Bad)
Everly Brothers	Walk Right Back
Eydie Gorme	Blame It on the Bossa Nova
Fabian	Turn Me Loose
Fats Domino	Ain't That a Shame (#438)
Fats Domino	Be My Guest
Fats Domino	Blueberry Hill (#82)
Fats Domino	Bo Weevil
Fats Domino	I Want to Walk You Home
Fats Domino	I'm Ready
Fats Domino	I'm Walkin'
Fats Domino	La La
Fats Domino	Red Sails In The Sunset
Fats Domino	Shu Rah
Fats Domino	Valley Of Tears
Fats Domino	Walking To New Orleans
Fats Domino	Whole Lotta Lovin'
Fats Waller	All My Life

09/11/2013

**Representative Sampling of Plaintiffs' Pre-1972  
Sound Recordings Infringed by Sirius XM**

Artist	Title
Fever Tree	San Francisco Girls
Fifth Dimension	Up, Up and Away
Fireflies	You Were Mine
First Edition	Just Dropped In (To See What Condition My Condition Was In)
Five Americans	Western Union
Fleetwood Mac	Tell Me All The Things You Do
Fletcher Henderson	Until Today
Flying Machine	Smile A Little Smile For Me
Fontella Bass	Rescue Me
Four Clefs	V-Day Stomp
Four Preps	Big Man
Four Preps	Down by the Station (Early in the Morning)
Four Seasons	Big Girls Don't Cry
Four Seasons	Candy Girl
Four Seasons	Dawn (Go Away)
Four Seasons	Let's Hang On
Four Seasons	Opus 17 (Don't You Worry 'Bout Me)
Four Seasons	Rag Doll
Four Seasons	Sherry
Four Seasons	Working My Way Back To You
Four Tops	Ask The Lonely
Four Tops	Baby I Need Your Loving (#400)
Four Tops	Bernadette
Four Tops	I Can't Help Myself (#422)
Four Tops	It's All In The Game
Four Tops	It's the Same Old Song
Four Tops	Shake Me, Wake Me (When It's Over)
Four Tops	Standing In The Shadows of Love (#470)
Four Tops	Walk Away Renee
Four Tops	You Keep Running Away
Frank Zappa & The Mothers Of Invention	Mother People
Frankie Carle	Semper Fidelis
Frankie Ford	Sea Cruise
Frankie Lymon & the Teenagers	I Want You to Be My Girl
Frankie Lymon & the Teenagers	I'm Not A Juvenile Delinquent
Frankie Valli	Can't Take My Eyes Off You
Frankie Valli & the Four Seasons	Beggin'
Frankie Valli & the Four Seasons	Big Man in Town
Frankie Valli & the Four Seasons	Will You Love Me Tomorrow
Fred Astaire	A Fine Romance
Fred Astaire	After You, Who?

CIDZ/11/60

**Representative Sampling of Plaintiffs' Pre-1972  
Sound Recordings Infringed by Sirius XM**

Artist	Title
Fred Astaire w/ Leo Reisman	Night And Day
Freddie King	Lonesome Whistle Blues
Freddie Slack	Riffette
Freddie Slack/Ella Mae Morse	Mister Five by Five
Freddy Martin	The Lady from 29 Palms
Free	All Right Now
Friend & Lover	Reach Out of the Darkness
Gants	(You Can't Blow) Smoke Rings
Gary Lewis & the Playboys	Count Me In
Gary Lewis & The Playboys	Everybody Loves a Clown
Gary Lewis & the Playboys	She's Just My Style
Gary Lewis & the Playboys	Sure Gonna Miss Her
Gary Lewis and the Playboys	This Diamond Ring
Gary Puckett & the Union Gap	This Girl Is a Woman Now
Gary Puckett & The Union Gap	Woman, Woman
Gary Puckett & Union Gap	Lady Willpower
Gary Puckett & Union Gap	Over You
Gary Puckett & Union Gap	Young Girl
Gene Autry	Back In The Saddle Again
Gene Krupa	Apurksody
Gene Krupa	Ball Of Fire
Gene Krupa	Drummin' Man
Gene Krupa	Gene's Boogie
Gene Krupa	How High the Moon
Gene Krupa	Jeanie With The Light Brown Hair
Gene Krupa	Opus One
Gene Krupa	Side By Side
Gene Krupa	Star Burst
Gene Krupa v/Anita O'Day	Tea for Two
Gene Krupa v/Irene Daye	Drum Boogie
Gene Krupa v/Roy Eldridge	Knock Me A Kiss
Gene McDaniels	A Hundred Pounds Of Clay
Gene McDaniels	Chip Chip
Gene McDaniels	Tower Of Strength
Gene Vincent	Say Mama
George Harrison	My Sweet Lord (#460)
George Harrison	What Is Life
George Jones	A Girl I Used To Know
Gerry & the Pacemakers	Ferry Cross the Mersey
Gerry & the Pacemakers	Girl on a Swing
Gerry & The Pacemakers	I Like It
Ginny Arnell	Dumb Head
Ginny Simms	The Starlit Hour

**Representative Sampling of Plaintiffs' Pre-1972  
Sound Recordings Infringed by Sirius XM**

Artist	Title
Girls	Chico's Girl
Gladys Knight & The Pips	Friendship Train
Gladys Knight & the Pips	I Heard It Thru the Grapevine
Gladys Knight & The Pips	If I Were Your Woman
Glen Campbell	By the Time I Get to Phoenix
Glen Campbell	Dreams of the Everyday Housewife
Glen Campbell	Galveston
Glen Campbell	Gentle On My Mind
Glen Campbell	Wichita Lineman (#195)
Glen Gray v/Mildred Bailey	Heat Wave
Glenn Miller	A Nightingale Sang in Berkeley Square
Glenn Miller	A String of Pearls
Glenn Miller	Bugle Call Rag
Glenn Miller	Elmer's Tune
Glenn Miller	Imagination
Glenn Miller	It's a Blue World
Glenn Miller	Juke Box Saturday Night
Glenn Miller	Moonlight Serenade
Glenn Miller	Song Of The Volga Boatmen
Glenn Miller	Sunrise Serenade
Glenn Miller	Tuxedo Junction
Glenn Miller & the Army Air Force B	A Lovely Way to Spend an Evening
Glenn Miller AAF Band	Poinciana
Glenn Miller AAF Band	St. Louis Blues March
Glenn Miller v/Ray Eberle	Serenade In Blue
Guess Who	American Woman
Guess Who	Laughing
Guess Who	These Eyes
Guess Who	Undun
Gus Arnheim	So Rare
Guy Mitchell	Heartaches By The Number
Hank Williams	Honky Tonk Blues
Hank Williams	Honky Tonkin'
Hank Williams	I Just Don't Like This Kind Of Living
Hank Williams	I'm A Long Gone Daddy
Hank Williams	I'm So Lonesome I Could Cry (#112)
Hank Williams	Lost Highway
Hank Williams	Moanin' The Blues
Hank Williams	Move It On Over
Hank Williams	They'll Never Take Her Love From Me
Harpers Bizarre	The 59th St. Bridge Song
Harry James v/Helen Forrest	I Don't Want To Walk Without You
Harry James v/Helen Forrest	I Remember You



**Representative Sampling of Plaintiffs' Pre-1972  
Sound Recordings Infringed by Sirius XM**

Artist	Title
Harry James v/Helen Forrest	I've Heard That Song Before
Harry James v/Kitty Kallen	I'm Beginning To See The Light
Harry James v/Kitty Kallen	It's Been A Long, Long Time
Harry Nilsson	I Guess the Lord Must Be in New Yor
Harry Nilsson	Jump Into The Fire
Herman's Hermits	A Must to Avoid
Herman's Hermits	Can't You Hear My Heartbeat
Herman's Hermits	I'm into Something Good
Herman's Hermits	Mrs. Brown, You've Got a Lovely Daughter
Herman's Hermits	There's a Kind of Hush
Herman's Hermits	Wonderful World
Horace Heidt v/Larry Cotton	Once In A While
Horst Jankowski	A Walk in the Black Forest
Howlin' Wolf	I'm Leavin' You
Hugo Montenegro & His Orchestra	The Good, the Bad, and the Ugly
Hugo Winterhalter v/Johnny Parker	A Kiss To Build A Dream On
Hugo Winterhalter/Eddie Heywood	Canadian Sunset
Ike & Tina Turner	Proud Mary
Ink Spots	Don't Get Around Much Anymore
Ink Spots	I Don't Want To Set The World on Fire
Ink Spots	Java Jive
Ink Spots	The Best Things In Life Are Free
Isley Brothers	Love The One You're With
Isley Brothers	Shout (#119)
Ivie Anderson	I'm Checkin' Out, Go'om Bye
Ivory Joe Hunter	Since I Met You Baby
J. Geils Band	Looking for a Love
Jackson 5	ABC
Jackson 5	I Want You Back (#121)
Jackson 5	I'll Be There
Jackson 5	Mama's Pearl
Jackson 5	Never Can Say Goodbye
Jackson 5	Sugar Daddy
Jackson Browne	Doctor My Eyes
James Brown	Get On Up, Get Into It, Get Involved
James Brown	Hot Pants Pt. 1
James Brown	I Got The Feelin'
James Brown	I Got You (I Feel Good) (#78)
James Brown	Please, Please, Please (#143)
James Brown	Super Bad
James Brown	There Was A Time
James Darren	Conscience
James Gang	Funk #49

09/11/2013

**Representative Sampling of Plaintiffs' Pre-1972  
Sound Recordings Infringed by Sirius XM**

Artist	Title
James Gang	Walk Away
James Taylor	Fire And Rain (#227)
James Taylor	You've Got A Friend
Jan & Dean	The Little Old Lady From Pasadena
Jan Bradley	Mama Didn't Lie
Janis Ian	Society's Child (Baby I've Been Thinking)
Janis Joplin	Half Moon
Janis Joplin	Me And Bobby McGee (#148)
Janis Joplin	Mercedes Benz
Jay & the Americans	Only In America
Jay & the Americans	This Magic Moment
Jeff Beck Group	Spanish Boots
Jeff Beck Group	The Hangman's Knee
Jefferson Airplane	It's No Secret
Jefferson Airplane	Let Me In
Jefferson Airplane	Somebody To Love (#279)
Jefferson Airplane	War Movie
Jefferson Airplane	White Rabbit (#483)
Jerry Butler	Only the Strong Survive
Jerry Lee Lewis	Another Place, Another Time
Jerry Lee Lewis	Once More With Feeling
Jerry Lee Lewis	She Still Comes Around (To Love What's Left of Me)
Jerry Lee Lewis	To Make Love Sweeter For You
Jerry Lee Lewis	What's Made Milwaukee Famous (Has Made a Loser Out of Me)
Jerry Lee Lewis	Would You Take Another Chance On Me
Jethro Tull	Aqualung
Jethro Tull	Cross-Eyed Mary
Jethro Tull	Living In The Past
Jethro Tull	Locomotive Breath
Jethro Tull	Up The 'Pool
Jethro Tull	Up To Me
Jim Lowe	The Green Door
Jimi Hendrix Experience	All Along The Watchtower (#47)
Jimi Hendrix Experience	Can You See Me
Jimi Hendrix Experience	Come On (Let The Good Times Roll)
Jimi Hendrix Experience	Crosstown Traffic
Jimi Hendrix Experience	Foxy Lady (#153)
Jimi Hendrix Experience	Freedom
Jimi Hendrix Experience	Hey Joe (#201)
Jimi Hendrix Experience	Little Wing (#366)
Jimi Hendrix Experience	Purple Haze (#17)
Jimi Hendrix Experience	The Wind Cries Mary (#379)

**Representative Sampling of Plaintiffs' Pre-1972  
Sound Recordings Infringed by Sirius XM**

Artist	Title
Jimmie Rodgers	Are You Really Mine
Jimmie Rodgers	Honeycomb
Jimmie Rodgers	Oh, Oh, I'm Falling In Love Again
Jimmy Dean	Big Bad John
Jimmy Jones	Good Timin'
Jimmy Jones	Handy Man
Jimmy Ruffin	What Becomes Of The Broken Hearted
Jo Stafford	It Could Happen To You
Jo Stafford	On the Sunny Side Of The Street
Jo Stafford	The Best Things in Life Are Free
Jo Stafford	Watcha Know Joe?
Jo Stafford w/ Paul Weston	Smoke Dreams
Joanie Sommers	Johnny Get Angry
Joe Bennett	Black Slacks
Joe Cocker	Feeling Alright
Joe Cocker	With A Little Help From My Friends
Joe Jones	One Big Mouth
Joe Jones	You Talk Too Much
Joe South	Games People Play
Joe Turner	Lipstick Powder & Paint
Joey Dee & the Starlites	Peppermint Twist
John Kirby	It's Only A Paper Moon
John Lennon	Imagine (#3)
Johnny Burnette	Little Boy Sad
Johnny Burnette	You're Sixteen
Johnny Cash	Daddy Sang Bass
Johnny Cash	I Still Miss Someone
Johnny Cash	Ring of Fire (#87)
Johnny Cash	Tennessee Flat Top Box
Johnny Cash	Understand Your Man
Johnny Cash	What Is Truth
Johnny Mathis	Chances Are
Johnny Mercer	Ac-Cent-Tchu-Ate The Positive
Johnny Mercer	G.I. Jive
Johnny Mercer	My Sugar Is So Refined
Johnny Mercer	On The Atchison, Topeka and the Santa Fe
Johnny Mercer	Personality
Johnny Paycheck	She's All I Got
Johnny Preston	Cradle of Love
Johnny Preston	Running Bear
Johnny Rivers	Maybelline
Johnny Rivers	Memphis (Live) (64)
Johnny Rivers	Midnight Special

09/11/2013

**Representative Sampling of Plaintiffs' Pre-1972  
Sound Recordings Infringed by Sirius XM**

Artist	Title
Johnny Rivers	Mountain of Love
Johnny Rivers	Poor Side Of Town
Johnny Rivers	Secret Agent Man
Johnny Rivers	Seventh Son
Johnny Rivers	Summer Rain
Johnny Rivers	The Tracks of My Tears
Jonathan King	Everyone's Gone To The Moon
Joni Mitchell	Night In The City, pt. 1 (I Came To the City)
Jr. Walker & The All Stars	Shotgun
Judy Collins	Both Sides Now
Judy Collins	Someday Soon
Judy Garland	Over The Rainbow
Kay Kyser	Bell Bottom Trousers
Kay Kyser	Let's Get Lost
Kay Kyser	Praise The Lord And Pass The Ammunition
Kay Kyser v/Mike Douglas	The Old Lamplighter
Kay Starr	Rock And Roll Waltz
Keith	98.6
King Sisters	The Hut Sut Song
Kingston Trio	Greenback Dollar
Kingston Trio	M.T.A.
Larry Clinton	I Hear Music
Larry Clinton v/Bea Wain	Heart and Soul
Larry Clinton v/Bea Wain	Love Is Here To Stay
Larry Clinton v/Bea Wain	Martha
Larry Clinton v/Bea Wain	My Heart Belongs To Daddy
Larry Clinton v/Bea Wain	You Go To My Head
Larry Clinton v/Ford Leary	Jeepers Creepers
Larry Clinton v/Helen Southern	The Nearness Of You
LaVern Baker	Jim Dandy (#352)
LaVern Baker	Tweedlee Dee
Led Zeppelin	Black Dog (#300)
Led Zeppelin	Communication Breakdown
Led Zeppelin	Dazed and Confused
Led Zeppelin	Going To California
Led Zeppelin	Good Times Bad Times
Led Zeppelin	Heartbreaker (#328)
Led Zeppelin	Hey Hey What Can I Do
Led Zeppelin	How Many More Times
Led Zeppelin	I Can't Quit You Baby
Led Zeppelin	Immigrant Song
Led Zeppelin	Misty Mountain Hop
Led Zeppelin	Rock & Roll

**Representative Sampling of Plaintiffs' Pre-1972  
Sound Recordings Infringed by Sirius XM**

Artist	Title
Led Zeppelin	Stairway To Heaven (#31)
Led Zeppelin	Traveling Riverside Blues
Led Zeppelin	Whole Lotta Love (#75)
Lee Dorsey	Working in the Coal Mine
Lee Dorsey	Ya Ya
Left Banke	Pretty Ballerina
Left Banke	Walk Away Renee (#222)
Len Barry	1, 2, 3
Lenny Welch	Since I Fell For You
Leroy Van Dyke	The Auctioneer
Les Brown	Little Brown Jug
Les Brown	Robin Hood
Les Brown	Sophisticated Swing
Les Brown	Three Little Words
Les Brown and Doris Day	(I Ain't Hep To That Step But I'll) Dig It
Les Brown and Doris Day	Amapola
Les Brown v/Betty Bonney	Joltin' Joe DiMaggio
Les Brown v/Doris Day	You Won't Be Satisfied (Until You Break My Heart)
Les Brown v/Jack Haskel	I Guess I'll Get The Papers (And Go Home)
Les Brown v/Miriam Shaw	Don't Worry 'Bout Me
Les Elgart	In The Still Of The Night
Les Elgart & His Orchestra	Bandstand Boogie
Lesley Gore	California Nights
Lesley Gore	It's My Party
Lettermen	The Way You Look Tonight
Lionel Hampton	Hamp's Boogie Woogie
Lionel Hampton	The Mood That I'm In
Lionel Hampton	Wizzin' The Wizz
Little Anthony & Imperials	Hurt So Bad
Little Eva	Keep Your Hands off My Baby
Little Eva	Let's Turkey Trot
Little Eva	The Loco-Motion (#359)
Little Jack Little	I'm in the Mood for Love
Little Joe & The Thrillers	Peanuts
Little Peggy March	I Will Follow Him
Little Peggy March	I Wish I Were a Princess
Little Walter	Mellow Down Easy
Lloyd Price	I'm Gonna Get Married
Lloyd Price	Stagger Lee
Loretta Lynn	Blue Kentucky Girl
Loretta Lynn	Don't Come Home A Drinkin' (With Lovin' on Your Mind)
Loretta Lynn	Fist City
Loretta Lynn	If You're Not Gone Too Long

**Representative Sampling of Plaintiffs' Pre-1972  
Sound Recordings Infringed by Sirius XM**

Artist	Title
Loretta Lynn	You Ain't Woman Enough
Loretta Lynn	You're Lookin' At Country
Los Bravos	Black Is Black
Lou Christie	Lightnin' Strikes
Lou Christie	Rhapsody in the Rain
Lou Christie	Two Faces Have I
Lou Rawls	Dead End Street
Lou Rawls	Love Is a Hurtin' Thing
Lou Rawls	Your Good Thing (Is About To End)
Louis Armstrong	A Kiss to Build a Dream On
Louis Armstrong	Jeepers Creepers
Louis Armstrong	What A Wonderful World
Louis Prima	Just a Gigolo-I Ain't Got Nobody
Louis Prima & Keely Smith	Jump Jive An' Wail
Love	Bummer In The Summer
Love	No Matter What You Do
Lulu	To Sir With Love
Mac & Katie Kissoon	Chirpy Chirpy Cheep Cheep
Major Lance	The Monkey Time
Major Lance	Um Um Um Um Um Um
Mamas & The Papas	Dedicated To The One I Love
Mamas & the Papas	Dream a Little Dream of Me
Mamas & The Papas	I Saw Her Again
Mamas & The Papas	Monday, Monday
Mamas & the Papas	Words of Love
Marcel's	Blue Moon
Marcel's	Heartaches
Marcel's	Summertime
Margaret Whiting	Guilty
Margaret Whiting	My Heart Stood Still
Marianne Faithfull	As Tears Go By
Mark Lindsay	Arizona
Martha & the Vandellas	Dancing in the Street (#40)
Martha & the Vandellas	Heat Wave
Martha & the Vandellas	Nowhere to Run (#367)
Martha Reeves & the Vandellas	Come and Get These Memories
Martha Reeves & the Vandellas	Honey Chile
Martha Reeves & the Vandellas	Jimmy Mack
Martha Reeves & the Vandellas	Quicksand
Marty Robbins	Devil Woman
Marty Robbins	El Paso
Marty Robbins	My Woman My Woman My Wife
Marty Robbins	Ribbon Of Darkness

**Representative Sampling of Plaintiffs' Pre-1972  
Sound Recordings Infringed by Sirius XM**

Artist	Title
Marty Robbins	Ruby Ann
Marty Robbins	Tonight Carmen
Marv Johnson	(You've Got To) Move Two Mountains
Marv Johnson	I Love The Way You Love
Marvin Gaye	Ain't That Peculiar
Marvin Gaye	Chained
Marvin Gaye	I Heard It Through the Grapevine (#81)
Marvin Gaye	Inner City Blues (Make Me Wanna Holler)
Marvin Gaye	Mercy Mercy Me (The Ecology)
Marvin Gaye	Try It Baby
Marvin Gaye	What's Going On (#4)
Marvin Gaye & Tammi Terrell	Ain't No Mountain High Enough
Marvin Gaye & Tammi Terrell	Ain't Nothing Like The Real Thing
Marvin Gaye & Tammi Terrell	Your Precious Love
Mary Hopkin	Those Were the Days
Mary Wells	My Guy
Mason Williams	Classical Gas
McCoys	Hang On Sloopy
Mel Carter	Hold Me Thrill Me Kiss Me
Melanie & Edwin Hawkins Singers	Lay Down (Candles In The Rain)
Merle Haggard	Daddy Frank
Merle Haggard	Mama Tried
Merle Haggard	Swinging Doors
Merle Haggard	The Fightin' Side of Me
Merle Haggard	Workin' Man Blues
Merrilee Rush & Turnabouts	Angel of the Morning
Mickey & Sylvia	Love Is Strange
Mitch Ryder & the Detroit Wheels	Jenny Take a Ride
Moby Grape	Murder In My Heart For The Judge
Moby Grape	Omaha
Moby Grape	Sitting By The Window
Modernaires	Juke Box Saturday Night
Monotones	Legend Of Sleepy Hollow
Moody Blues	Go Now
Moody Blues	Question
Moody Blues	The Afternoon Forever Afternoon (Tuesday Afternoon)
Moody Blues	The Story In Your Eyes
Mothers of Invention	Motherly Love
Mott The Hoople	All The Way From Memphis
Mott The Hoople	All The Young Dudes (#256)
Mountain	Mississippi Queen
Muddy Waters	I'm Ready
Music Explosion	Little Bit O' Soul

09/11/2013



**Representative Sampling of Plaintiffs' Pre-1972  
Sound Recordings Infringed by Sirius XM**

Artist	Title
Nappy Brown	Little By Little
Nat Cole King Trio	For All We Know
Nat King Cole	Those Lazy Hazy Crazy Days Of Summe
Nat King Cole & Stan Kenton	Orange Colored Sky
Nat King Cole Trio	(I Love You) For Sentimental Reasons
Nat King Cole Trio	Straighten up and Fly Right
Neil Diamond	Brother Love's Traveling Salvation
Neil Diamond	Shilo
Neil Sedaka	Alice in Wonderland
Neil Sedaka	Breaking Up Is Hard to Do
Neil Sedaka	Happy Birthday, Sweet Sixteen
Neil Sedaka	Let's Go Steady Again
Neil Sedaka	Little Devil
Neil Sedaka	Next Door To An Angel
Neil Sedaka	Stairway to Heaven
Neil Young	After The Gold Rush
Neil Young	Heart Of Gold (#303)
Neil Young	Old Man
Neil Young	Southern Man
Neon Philharmonic	Morning Girl
New Christy Minstrels	Green Green
New Colony Six	Things I'd Like To Say
New Seekers	I'd Like To Teach The World to Sing
New Vaudeville Band	Winchester Cathedral
Nilsson	Everybody's Talkin'
Nina Simone	To Be Young, Gifted, And Black
Ohio Express	Chewy, Chewy
Ohio Express	Yummy Yummy Yummy
Oliver	Good Morning Starshine
Orlons	Not Me
Orlons	The Wah Watusi
Otis Redding	(Sittin' On) The Dock of the Bay (#26)
Otis Redding	I've Been Loving You Too Long (#111)
Otis Redding	Mr. Pitiful
Otis Redding	Respect
Otis Redding	Satisfaction
Ozzie Nelson	White Sails
Partridge Family	Doesn't Somebody Want to Be Wanted
Pat Boone	April Love
Pat Boone	Bernardine
Pat Boone	Don't Forbid Me
Pat Boone	Love Letters in the Sand
Pat Boone	Two Hearts

**Representative Sampling of Plaintiffs' Pre-1972  
Sound Recordings Infringed by Sirius XM**

Artist	Title
Patsy Cline	Always
Patsy Cline	Back In Baby's Arms
Patsy Cline	Crazy (#85)
Patsy Cline	Half as Much
Patsy Cline	Heartaches
Patsy Cline	I Fall To Pieces (#241)
Patsy Cline	Lovesick Blues
Patsy Cline	San Antonio Rose
Patsy Cline	Seven Lonely Days
Patsy Cline	Shoes
Patsy Cline	South of the Border (Down Mexico Way)
Patsy Cline	Sweet Dreams
Patti Drew	Tell Him
Patty & Emblems	Mixed Up Shook Up Girl
Paul & Paula	Hey Paula
Paul Anka	Put Your Head On My Shoulder
Paul Butterfield Blues Band	Get Out Of My Life Woman
Paul Butterfield Blues Band	Love Disease
Paul Mauriat	Love Is Blue
Paul Revere & the Raiders	Him Or Me
Paul Revere & the Raiders	Hungry
Paul Revere & the Raiders	Kicks
Paul Revere & the Raiders	Like Long Hair
Paul Simon	Me And Julio Down By The Schoolyard
Paul Simon	Run That Body Down
Peaches & Herb	Close Your Eyes
Peaches & Herb	Let's Fall In Love
Peaches & Herb	Love Is Strange
Peggy Lee	Bali Ha'i
Percy Faith	Theme From A Summer Place
Percy Sledge	It Tears Me Up
Percy Sledge	When A Man Loves A Woman (#53)
Perez Prado	Patricia
Perry Como	I'm Gonna Love That Gal
Perry Como w/ Mitchell Ayres	Juke Box Baby
Perry Como w/ Mitchell Ayres	Papa Loves Mambo
Peter, Paul & Mary	I Dig Rock & Roll Music
Peter, Paul & Mary	Leaving On A Jet Plane
Pied Pipers	What Is This Thing Called Love
Pixies Three	Birthday Party
Playmates	Beep Beep
Playmates	Jo Ann
Playmates	Wait For Me

**Representative Sampling of Plaintiffs' Pre-1972  
Sound Recordings Infringed by Sirius XM**

Artist	Title
Question Mark & The Mysterians	96 Tears (#213)
Quicksilver Messenger Service	Fire Brothers
Quicksilver Messenger Service	Fresh Air
R.B. Greaves	Take a Letter, Maria
Raiders	Indian Reservation
Ralph Flanagan	Dream
Ralph Flanagan	My Hero
Ralph Flanagan	Singin' In The Rain
Ralph Flanagan	Stop, Look and Listen
Ralph Flanagan v/Harry Prime	Nevertheless (I'm in Love with You)
Ralph Flanagan v/Harry Prime	Way Back Home
Randy & the Rainbows	Denise
Rare Earth	Get Ready
Ravens	Everything But You
Ravens	That Old Gang Of Mine
Ray Bryant	The Madison Time
Ray Charles	Night Time Is the Right Time
Ray Charles	Roll With My Baby
Ray Charles	What'd I Say (#10)
Ray Noble	Alexander's Ragtime Band
Ray Price	Don't You Ever Get Tired (Of Hurting Me)
Ray Price	For The Good Times
Ray Price	Heartaches By The Number
Ray Price	I Won't Mention It Again
Ray Price	Invitation To The Blues
Ray Price	Make The World Go Away
Ray Price	My Shoes Keep Walking Back To You
Ray Price	Pride
Ray Price	The Other Woman (In My Life)
Richard Harris	MacArthur Park
Rick Nelson	It's Up To You
Rick Nelson	Never Be Anyone Else But You
Ricky Nelson	A Wonder Like You
Ricky Nelson	Believe What You Say
Ricky Nelson	Hello Mary Lou
Ricky Nelson	I Got A Feeling
Ricky Nelson	It's Late
Ricky Nelson	Lonesome Town
Ricky Nelson	My Bucket's Got A Hole In It
Ricky Nelson	The Very Thought of You
Ricky Nelson	Young Emotions
Ringo Starr	It Don't Come Easy
Ritchie Valens	Come on, Let's Go

**Representative Sampling of Plaintiffs' Pre-1972  
Sound Recordings Infringed by Sirius XM**

Artist	Title
Ritchie Valens	Donna
Ritchie Valens	La Bamba (#354)
Robert Knight	Everlasting Love
Roberta Flack & Donny Hathaway	Where Is The Love
Robin Luke	Susie Darlin'
Robin McNamara	Lay A Little Lovin' On Me
Rod Stewart	Dirty Old Town
Rod Stewart	Every Picture Tells A Story
Rod Stewart	Gasoline Alley
Rod Stewart	I Wouldn't Ever Change A Thing
Rod Stewart	Maggie May (#131)
Roger Miller	King Of The Road
Rolf Harris	Tie Me Kangaroo Down, Sport
Rolling Stones	(I Can't Get No) Satisfaction (#2)
Rolling Stones	19th Nervous Breakdown
Rolling Stones	Andrews Blues
Rolling Stones	As Tears Go By
Rolling Stones	Bitch
Rolling Stones	Brown Sugar (#495)
Rolling Stones	Bye Bye Johnny
Rolling Stones	Can't You Hear Me Knocking
Rolling Stones	Connection
Rolling Stones	Country Honk
Rolling Stones	Don't Lie To Me
Rolling Stones	Flight 505
Rolling Stones	Gimme Shelter (#38)
Rolling Stones	Heart Of Stone
Rolling Stones	Honky Tonk Women (#116)
Rolling Stones	I'm A King Bee
Rolling Stones	Jumpin' Jack Flash (#125)
Rolling Stones	Let's Spend The Night Together
Rolling Stones	Mother's Little Helper
Rolling Stones	Out Of Time
Rolling Stones	Paint It Black (#176)
Rolling Stones	Ruby Tuesday (#310)
Rolling Stones	Salt of the Earth
Rolling Stones	She's A Rainbow
Rolling Stones	Sympathy For The Devil (#32)
Rolling Stones	The Last Time
Rolling Stones	Think
Rolling Stones	Under My Thumb
Rolling Stones	What To Do
Rolling Stones	Wild Horses (#343)

**Representative Sampling of Plaintiffs' Pre-1972  
Sound Recordings Infringed by Sirius XM**

Artist	Title
Roy Hamilton	You Can Have Her
Roy Orbison	Blue Angel
Roy Orbison	Dream Baby (How Long Must I Dream)
Roy Orbison	Leah
Roy Orbison	Oh Pretty Woman (#224)
Roy Orbison	Only the Lonely (#234)
Roy Orbison	Running Scared
Ruby & the Romantics	Our Day Will Come
Rufus Thomas	Walking The Dog
Rusty Draper	Are You Satisfied?
Ruth Brown	Mama He Treats Your Daughter Mean
Ry Cooder	How Can a Poor Man?
Sam & Dave	Hold On! I'm Coming
Sam & Dave	I Thank You
Sam & Dave	Soul Man (#463)
Sam & Dave	When Something Is Wrong With My Baby
Sam & Dave	You Don't Know Like I Know
Sam Cooke	Ain't That Good News
Sam Cooke	Another Saturday Night
Sam Cooke	Bring It on Home to Me
Sam Cooke	Cupid (#458)
Sam Cooke	Everybody Likes To Cha Cha Cha
Sam Cooke	Frankie and Johnny
Sam Cooke	Little Red Rooster
Sam Cooke	Meet Me at Mary's Place
Sam Cooke	Nothing Can Change This Love
Sam Cooke	Soothe Me
Sam Cooke	Twistin' the Night Away
Sam Cooke	Win Your Love For Me
Sam Cooke	Wonderful World (#382)
Sam Cooke	You Send Me (#115)
Sam the Sham & the Pharaohs	Li'l Red Riding Hood
Sam the Sham & the Pharaohs	Wooly Bully
Santana	Black Magic Woman/Gypsy Queen
Santana	Everybody's Everything
Santana	Evil Ways
Santana	Oye Como Va
Santo & Johnny	Sleep Walk
Sarah Vaughan	Broken Hearted Melody
Scott McKenzie	San Francisco
Sergio Mendes	The Fool On The Hill
Sergio Mendes & Brasil '66	Scarborough Fair
Shadows of Knight	Gloria

**Representative Sampling of Plaintiffs' Pre-1972  
Sound Recordings Infringed by Sirius XM**

Artist	Title
Shadows of Knight	Gospel Zone
Shadows of Knight	Oh Yeah!
Shadows of Knight	Someone Like Me
Shangri-Las	Dum Dum Ditty
Shangri-Las	Leader Of The Pack (#454)
Shangri-Las	Out in the Streets
Shangri-Las	Remember (Walking In The Sand) (#404)
Shelley Fabares	Johnny Angel
Shirley & Lee	Let the Good Times Roll
Sil Austin	Slow Walk
Simon & Garfunkel	A Hazy Shade of Winter
Simon & Garfunkel	America
Simon & Garfunkel	April Come She Will
Simon & Garfunkel	At The Zoo
Simon & Garfunkel	Blessed
Simon & Garfunkel	Homeward Bound
Simon & Garfunkel	I Am A Rock
Simon & Garfunkel	Mrs. Robinson
Simon & Garfunkel	The Boxer (#106)
Simon & Garfunkel	The Sound Of Silence (#157)
Skeeter Davis	I Can't Stay Mad At You
Skeeter Davis	My Last Date with You
Skeeter Davis	The End of the World
Skitch Henderson	Heart and Soul
Skyliners	Pennies From Heaven
Slim Harpo	I'm A King Bee
Sly & The Family Stone	Dance To The Music (#225)
Sly & The Family Stone	Everybody Is A Star
Sly & the Family Stone	Everyday People (#146)
Sly & The Family Stone	Family Affair (#139)
Sly & the Family Stone	Hot Fun in the Summertime (#250)
Sly & The Family Stone	I Want To Take You Higher
Sly & the Family Stone	Stand! (#244)
Sly & The Family Stone	Thank You (#410)
Smiley Lewis	Shame, Shame, Shame
Smokey Robinson & The Miracles	Baby, Baby Don't Cry
Smokey Robinson & The Miracles	Going To A Go-Go
Smokey Robinson & The Miracles	I Second That Emotion
Smokey Robinson & The Miracles	If You Can Want
Smokey Robinson & The Miracles	Ooo Baby Baby (#266)
Smokey Robinson & the Miracles	Shop Around (#500)
Smokey Robinson & The Miracles	The Tears Of A Clown
Solomon Burke	Cry To Me

09/11/2013

**Representative Sampling of Plaintiffs' Pre-1972  
Sound Recordings Infringed by Sirius XM**

Artist	Title
Solomon Burke	Everybody Needs Somebody to Love (#436)
Solomon Burke	Got To Get You Off My Mind
Sonny & Cher	Baby Don't Go
Sonny & Cher	I Got You Babe (#451)
Sonny James	Young Love
Spanky & Our Gang	Lazy Day
Spanky & Our Gang	Sunday Never The Same
Spencer Davis Group	Gimme Some Lovin' (#247)
Spencer Davis Group	I'm A Man
Spiral Starecase	More Today Than Yesterday
Springfields	Silver Threads And Golden Needles
Stampeders	Sweet City Woman
Stan Kenton	Artistry Jumps
Stan Kenton	Jump For Joe
Stan Kenton	Say It Isn't So
Stan Kenton	The Peanut Vendor
Stan Kenton v/June Christy	Across the Alley from the Alamo
Stan Kenton v/June Christy	Shoo Fly Pie And Apple Pan Dowdy
Stan Kenton v/June Christy	Tampico
Statler Brothers	Bed Of Rose's
Statler Brothers	Flowers On The Wall
Steam	Na Na Hey Hey
Stephen Stills	Love The One You're With
Steppenwolf	Born to Be Wild (#130)
Steppenwolf	God Fearing Man
Steppenwolf	Magic Carpet Ride
Steppenwolf	Rock Me
Steppenwolf	Your Wall's Too High
Steve Lawrence	Go Away Little Girl
Stevie Wonder	Fingertips, Part 2
Stevie Wonder	If You Really Love Me
Stevie Wonder	Signed, Sealed, Delivered I'm Yours
Stevie Wonder	Uptight (Everything's Alright)
Stevie Wonder	Yester-Me, Yester-You, Yesterday
Stone Poneys	Different Drum
Strawberry Alarm Clock	Incense and Peppermints
Super Session	Season Of The Witch
Supremes	Baby Love (#332)
Supremes	Back in My Arms Again
Supremes	Come See About Me
Supremes	I Hear a Symphony
Supremes	My World Is Empty Without You
Supremes	Now You're Gone



**Representative Sampling of Plaintiffs' Pre-1972  
Sound Recordings Infringed by Sirius XM**

Artist	Title
Supremes	Stoned Love
Supremes	Stop! In The Name Of Love
Supremes	The Happening
Supremes	Where Did Our Love Go (#475)
Surfaris	Wipe Out
T. Rex	Bang A Gong (Get It On)
T. Rex	Jeepster
Taj Mahal	Keep Your Hands Off Her
Tammy Wynette	D-I-V-O-R-C-E
Tammy Wynette	Stand By Your Man
Teddy Wilson	When You're Smiling
Ten Years After	I'd Love To Change The World
The 5th Dimension	Aquarius
The 5th Dimension	Go Where You Wanna Go
The 5th Dimension	Stoned Soul Picnic
The 5th Dimension	Wedding Bell Blues
The American Breed	Bend Me Shape Me
The Association	Along Comes Mary
The Association	Cherish
The Association	Never My Love
The Association	Windy
The Band	Shoot Out In Chinatown
The Band	Up On Cripple Creek
The Beau Brummels	Just A Little
The Beau Brummels	Laugh, Laugh
The Box Tops	Cry Like a Baby
The Box Tops	The Letter (#372)
The Buckinghams	Don't You Care
The Buckinghams	Kind of a Drag
The Capitols	Cool Jerk
The Caravelles	You Don't Have To Be A Baby to Cry
The Casinos	Then You Can Tell Me Goodbye
The Cellos	Rang Tang Ding Dong (I Am The Japanese Sandman)
The Chiffons	He's So Fine
The Cleftones	For Sentimental Reasons
The Coasters	Searchin'
The Coasters	Zing Went the Strings of My Heart
The Contours	Do You Love Me
The Cowsills	Hair
The Cowsills	Rain, Park & Other Things
The Cowsills	We Can Fly
The Crazy World Of Arthur Brown	Fire
The Crew Cuts	Gum Drop

09/11/2013

**Representative Sampling of Plaintiffs' Pre-1972  
Sound Recordings Infringed by Sirius XM**

Artist	Title
The Crickets & Buddy Holly	Oh, Boy!
The Critters	Mr. Dieingly Sad
The Crystals	Da Doo Ron Ron (When He Walked Me Home)
The Crystals	He's A Rebel (#267)
The Crystals	He's Sure The Boy I Love
The Crystals	Then He Kissed Me
The Crystals	There's No Other (Like My Baby)
The Cuff Links	Guided Missiles
The Cyrkle	Red Rubber Ball
The Cyrkle	Turn-Down Day
The Danleers	One Summer Night
The Electric Prunes	I Had Too Much to Dream
The Elegants	Little Star
The Essex	A Walkin' Miracle
The Essex	Easier Said Than Done
The Fascinators	Oh Rosemarie
The Five Blobs	The Blob
The Five Satins	To The Aisle
The Flares	Foot Stomping, Pt. 1
The Fleetwoods	Mr. Blue
The Fortunes	You've Got Your Troubles
The Foundations	Baby, Now That I've Found You
The Foundations	Build Me Up Buttercup
The Four Lovers	You're the Apple of My Eye
The Gentrys	Keep on Dancing
The Grass Roots	Heaven Knows
The Grass Roots	Let's Live for Today
The Grass Roots	Midnight Confessions
The Happenings	See You in September
The Hi-Lo's	Of Thee I Sing
The Hollies	Bus Stop
The Hollies	Carrie Anne
The Hollies	He Ain't Heavy He's My Brother
The Hollies	King Midas in Reverse
The Hollies	On A Carousel
The Hollies	Stop, Stop, Stop
The Impressions	Gypsy Woman
The Jarmels	A Little Bit of Soap
The Lemon Pipers	Green Tambourine
The Little Dippers	Forever
The Lovin' Spoonful	Darling Be Home Soon
The Lovin' Spoonful	Daydream
The Lovin' Spoonful	Did You Ever Have To Make Up Your Mind

**Representative Sampling of Plaintiffs' Pre-1972  
Sound Recordings Infringed by Sirius XM**

Artist	Title
The Lovin' Spoonful	Do You Believe in Magic? (#218)
The Lovin' Spoonful	She Is Still a Mystery
The Lovin' Spoonful	Summer in the City (#401)
The Marketts	Batman Theme
The Marketts	Out Of Limits
The Marvelettes	Beechwood 4-5789
The Marvelettes	Danger Heartbreak Dead Ahead
The Marvelettes	Please Mr. Postman
The Marvelettes	The Hunter Gets Captured by the Game
The Marvelettes	When You're Young And In Love
The Mello-Kings	Tonite Tonite
The Mindbenders	A Groovy Kind of Love
The Monkees	(I'm Not Your) Steppin' Stone
The Monkees	(Theme From) The Monkees
The Monkees	Daydream Believer
The Monkees	I'm a Believer
The Monkees	Laugh
The Monkees	Pleasant Valley Sunday
The Monkees	She
The Monkees	You Told Me
The Mystics	Hushabye
The O'Kaysions	Girl Watcher
The Outsiders	Time Won't Let Me
The Penguins	Earth Angel (#152)
The Penguins	Walkin' Down Broadway
The Pentagons	To Be Loved (Forever)
The Platters	He's Mine
The Platters	I'm Sorry
The Platters	My Prayer
The Platters	Smoke Gets in Your Eyes
The Platters	The Great Pretender (#360)
The Platters	Twilight Time
The Platters	You've Got the Magic Touch
The Rascals	A Beautiful Morning
The Rascals	How Can I Be Sure
The Rascals	People Got To Be Free
The Rascals	You Better Run
The Righteous Brothers	Soul and Inspiration
The Righteous Brothers	You've Lost That Lovin' Feelin' (#34)
The Robins	Smokey Joe's Cafe
The Rock-A-Teens	Woo Hoo
The Ronettes	Baby I Love You
The Ronettes	Do I Love You?

**Representative Sampling of Plaintiffs' Pre-1972  
Sound Recordings Infringed by Sirius XM**

Artist	Title
The Ronettes	You Baby
The Royal Teens	Big Name Button
The Royal Teens	Short Shorts
The Sensations	Let Me In
The Shirelles	I Met Him on a Sunday
The Spinners	It's A Shame
The Syndicate of Sound	Little Girl
The Tams	What Kind of Fool (Do You Think I Am)
The Temptations	(I Know) I'm Losing You
The Temptations	Ball Of Confusion
The Temptations	Get Ready
The Temptations	My Baby
The Temptations	My Girl (#88)
The Temptations	Psychedelic Shack
The Temptations	The Way You Do The Things You Do
The Temptations	You're Not An Ordinary Girl
The Tokens	The Lion Sleeps Tonight
The Tokens	Tonight I Fell in Love
The Toys	A Lover's Concerto
The Troggs	I Want You
The Troggs	Love Is All Around
The Troggs	Wild Thing (#261)
The Troggs	With a Girl Like You
The Ventures	Diamond Head
The Ventures	Perfidia
The Ventures	Walk Don't Run
The Vogues	No, Not Much
The Who	A Legal Matter
The Who	Anyway, Anyhow, Anywhere
The Who	Barbara Ann
The Who	Daddy Rolling Stone
The Who	Gettin' In Tune
The Who	Goin' Mobile
The Who	I Can See For Miles (#262)
The Who	I Can't Explain (#380)
The Who	Overture
The Who	Pinball Wizard
The Who	So Sad About Us
The Who	Substitute
The Who	The Good's Gone
The Who	The Kids Are Alright
The Who	The Song Is Over
The Who	Tommy Can You Hear Me?

09/11/2013

**Representative Sampling of Plaintiffs' Pre-1972  
Sound Recordings Infringed by Sirius XM**

Artist	Title
The Yardbirds	For Your Love
The Yardbirds	Heart Full Of Soul
The Yardbirds	Shapes of Things
Them	Could You Would You
Them	Mystic Eyes
Third Rail	Run Run Run
Three Dog Night	An Old Fashioned Love Song
Three Dog Night	Easy to Be Hard
Three Dog Night	Eli's Coming
Three Dog Night	Joy To The World
Three Dog Night	One
Thunderclap Newman	Something In The Air
Thurston Harris	Little Bitty Pretty One
Timi Yuro	Hurt
Todd Rundgren	I Saw The Light
Tom Jones	It's Not Unusual
Tommy Boyce & Bobby Hart	Alice Long
Tommy Boyce & Bobby Hart	I Wonder What She's Doing
Tommy Dorsey v/Frank Sinatra	I'll Be Seeing You
Tommy Dorsey v/Frank Sinatra	I'll Never Smile Again
Tommy Dorsey v/Jack Leonard	Marie
Tommy Dorsey/Frank Sinatra	Dolores
Tommy Dorsey/Frank Sinatra	Look at Me Now
Tommy Edwards	It's All in the Game
Tommy James & the Shondells	Crimson & Clover
Tommy James & the Shondells	Hanky Panky
Tommy James & the Shondells	I Think We're Alone Now
Tommy James & the Shondells	Mirage
Tommy James & the Shondells	Mony Mony
Tommy Roe	Hooray for Hazel
Tommy Roe	Jam up and Jelly Tight
Tommy Roe	Sweet Pea
Tommy Sands	Teenage Crush
Tony Bennett	Thou Swell
Tony Pastor	Hey! Mabel
Traffic	Empty Pages
Traffic	Forty Thousand Headmen
Traffic	Glad/Freedom Rider
Traffic	Heaven Is in Your Mind
Travis & Bob	Tell Him No
Trini Lopez	If I Had A Hammer
Tune Weavers	Happy Happy Birthday Baby
Van Morrison	Brown Eyed Girl (#110)

**Representative Sampling of Plaintiffs' Pre-1972  
Sound Recordings Infringed by Sirius XM**

Artist	Title
Van Morrison	Moondance (#231)
Vaughn Monroe	Commodore Clipper
Vaughn Monroe	Hip Hip Hooray
Vaughn Monroe	I Wish I Didn't Love You So
Vaughn Monroe	Kokomo Indiana
Vaughn Monroe	My Devotion
Vaughn Monroe	Someday (You'll Want Me to Want You)
Vaughn Monroe	There I Go
Vaughn Monroe	There! I've Said It Again
Velvet Underground	Waiting For The Man
Walker Brothers	The Sun Ain't Gonna Shine Anymore
Waylon Jennings	Yours Love
Wayne Fontana & the Mindbenders	Game of Love
We Five	You Were on My Mind
Webb Pierce	I Ain't Never
Will Bradley	There I Go
Willie Dixon	29 Ways
Willie Nelson	I'm a Memory
Wilson Pickett	634-5789
Wilson Pickett	Don't Fight It
Wilson Pickett	Don't Knock My Love - Pt. 1
Wilson Pickett	Don't Let The Green Grass Fool You
Wilson Pickett	Engine Number 9
Wilson Pickett	In the Midnight Hour (#135)
Wilson Pickett	Mustang Sally (#441)
Wilson Pickett	Sugar Sugar
Woody Herman	Apple Honey
Woody Herman	Northwest Passage
Xavier Cugat	My Shawl
Yes	Long Distance Runaround/The Fish
Yes	Starship Trooper
Yes	The Prophet
Yes	Yours Is No Disgrace
Young Rascals	Good Lovin' (#333)
Young Rascals	I've Been Lonely Too Long
Youngbloods	Ride The Wind

09/11/2010

FOR COURT USE ONLY

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, Street number, and address):

RUSSELL J. FRACKMAN (SBN 49087), MARC E. MAYER (SBN 190969)  
 EMILY F. EVITT (SBN 261491)  
 MITCHELL SILBERBERG & KNUPP LLP  
 11377 West Olympic Boulevard, Los Angeles, CA 90064-1683  
 TELEPHONE NO.: (310) 312-2000 FAX NO.: (310) 312-3100

ATTORNEY FOR (Name): Plaintiffs CAPITOL RECORDS, LLC, et al.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles

STREET ADDRESS: 111 North Hill Street  
 MAILING ADDRESS: 111 North Hill Street  
 CITY AND ZIP CODE: Los Angeles, 90012  
 BRANCH NAME: Stanley Mosk

CASE NAME: CAPITOL RECORDS, LLC, et al. v. SIRIUS XM RADIO INC.

FILED  
 SUPERIOR COURT OF CALIFORNIA  
 COUNTY OF LOS ANGELES

SEP 11 2013

BY L. JOHNSON, DEPUTY

## CIVIL CASE COVER SHEET

☒ **Unlimited** (Amount demanded exceeds \$25,000) ☐ **Limited** (Amount demanded is \$25,000 or less)

## Complex Case Designation

☐ **Counter** ☐ **Joinder**  
 Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)

CASE NUMBER:

JUDGE:

DEPT:

BC520981

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

## Auto Tort

- ☐ Auto (22)  
☐ Uninsured motorist (46)

## Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

- ☐ Asbestos (04)  
☐ Product liability (24)  
☐ Medical malpractice (45)  
☐ Other PI/PD/WD (23)

## Non-PI/PD/WD (Other) Tort

- ☒ Business tort/unfair business practice (07)  
☐ Civil rights (08)  
☐ Defamation (13)  
☐ Fraud (16)  
☐ Intellectual property (19)  
☐ Professional negligence (25)  
☐ Other non-PI/PD/WD tort (35)

## Employment

- ☐ Wrongful termination (36)  
☐ Other employment (15)

## Contract

- ☐ Breach of contract/warranty (06)  
☐ Rule 3.740 collections (09)  
☐ Other collections (09)  
☐ Insurance coverage (18)  
☐ Other contract (37)

## Real Property

- ☐ Eminent domain/Inverse condemnation (14)  
☐ Wrongful eviction (33)  
☐ Other real property (26)

## Unlawful Detainer

- ☐ Commercial (31)  
☐ Residential (32)  
☐ Drugs (38)

## Judicial Review

- ☐ Asset forfeiture (05)  
☐ Petition re: arbitration award (11)  
☐ Writ of mandate (02)  
☐ Other judicial review (39)

## Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403)

- ☐ Antitrust/Trade regulation (03)  
☐ Construction defect (10)  
☐ Mass tort (40)  
☐ Securities litigation (28)  
☐ Environmental/Toxic tort (30)  
☐ Insurance coverage claims arising from the above listed provisionally complex case types (41)

## Enforcement of Judgment

- ☐ Enforcement of judgment (20)

## Miscellaneous Civil Complaint

- ☐ RICO (27)  
☐ Other complaint (not specified above) (42)

## Miscellaneous Civil Petition

- ☐ Partnership and corporate governance (21)  
☐ Other petition (not specified above) (43)

2. This case ☒ is ☐ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:

- a. ☐ Large number of separately represented parties d. ☒ Large number of witnesses  
 b. ☒ Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve e. ☒ Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court  
 c. ☐ Substantial amount of documentary evidence f. ☒ Substantial postjudgment judicial supervision

3. Remedies sought (check all that apply): a. ☒ monetary b. ☒ nonmonetary; declaratory or injunctive relief c. ☒ punitive

4. Number of causes of action (specify): Five

5. This case ☐ is ☒ is not a class action suit.

6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: 9/11/2013

Russell J. Frackman

(TYPE OR PRINT NAME)

Russell J. Frackman

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

## NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2



## INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

**To Plaintiffs and Others Filing First Papers.** If you are filing a first paper (for example, a complaint) in a civil case, you must complete and file, along with your first paper, the *Civil Case Cover Sheet* contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check **one** box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the **primary** cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

**To Parties in Rule 3.740 Collections Cases.** A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

**To Parties in Complex Cases.** In complex cases only, parties must also use the *Civil Case Cover Sheet* to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

## CASE TYPES AND EXAMPLES

## Auto Tort

Auto (22)—Personal Injury/Property Damage/Wrongful Death  
Uninsured Motorist (46) (*if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto*)

## Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

Asbestos (04)  
Asbestos Property Damage  
Asbestos Personal Injury/Wrongful Death  
Product Liability (*not asbestos or toxic/environmental*) (24)  
Medical Malpractice (45)  
Medical Malpractice—Physicians & Surgeons  
Other Professional Health Care Malpractice  
Other PI/PD/WD (23)  
Premises Liability (e.g., slip and fall)  
Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)  
Intentional Infliction of Emotional Distress  
Negligent Infliction of Emotional Distress  
Other PI/PD/WD

## Non-PI/PD/WD (Other) Tort

Business Tort/Unfair Business Practice (07)  
Civil Rights (e.g., discrimination, false arrest) (*not civil harassment*) (08)  
Defamation (e.g., slander, libel) (13)  
Fraud (16)  
Intellectual Property (19)  
Professional Negligence (25)  
Legal Malpractice  
Other Professional Malpractice (*not medical or legal*)  
Other Non-PI/PD/WD Tort (35)

## Employment

Wrongful Termination (36) Other Employment (15)

## Contract

Breach of Contract/Warranty (06)  
Breach of Rental/Lease  
Contract (*not unlawful detainer or wrongful eviction*)  
Contract/Warranty Breach—Seller Plaintiff (*not fraud or negligence*)  
Negligent Breach of Contract/Warranty  
Other Breach of Contract/Warranty  
Collections (e.g., money owed, open book accounts) (09)  
Collection Case—Seller Plaintiff  
Other Promissory Note/Collections Case  
Insurance Coverage (*not provisionally complex*) (18)  
Auto Subrogation  
Other Coverage  
Other Contract (37)  
Contractual Fraud  
Other Contract Dispute

## Real Property

Eminent Domain/Inverse Condemnation (14)  
Wrongful Eviction (33)  
Other Real Property (e.g., quiet title) (26)  
Writ of Possession of Real Property  
Mortgage Foreclosure  
Quiet Title  
Other Real Property (*not eminent domain, landlord/tenant, or foreclosure*)

## Unlawful Detainer

Commercial (31)  
Residential (32)  
Drugs (38) (*if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential*)

## Judicial Review

Asset Forfeiture (05)  
Petition Re: Arbitration Award (11)  
Writ of Mandate (02)  
Writ—Administrative Mandamus  
Writ—Mandamus on Limited Court Case Matter  
Writ—Other Limited Court Case Review  
Other Judicial Review (39)  
Review of Health Officer Order  
Notice of Appeal—Labor  
Commissioner Appeals

## Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403)

Antitrust/Trade Regulation (03)  
Construction Defect (10)  
Claims Involving Mass Tort (40)  
Securities Litigation (28)  
Environmental/Toxic Tort (30)  
Insurance Coverage Claims (*arising from provisionally complex case type listed above*) (41)

## Enforcement of Judgment

Enforcement of Judgment (20)  
Abstract of Judgment (Out of County)  
Confession of Judgment (*non-domestic relations*)  
Sister State Judgment  
Administrative Agency Award (*not unpaid taxes*)  
Petition/Certification of Entry of Judgment on Unpaid Taxes  
Other Enforcement of Judgment Case

## Miscellaneous Civil Complaint

RICO (27)  
Other Complaint (*not specified above*) (42)  
Declaratory Relief Only  
Injunctive Relief Only (*non-harassment*)  
Mechanics Lien  
Other Commercial Complaint Case (*non-tort/non-complex*)  
Other Civil Complaint (*non-tort/non-complex*)

## Miscellaneous Civil Petition

Partnership and Corporate Governance (21)  
Other Petition (*not specified above*) (43)  
Civil Harassment  
Workplace Violence  
Elder/Dependent Adult Abuse  
Election Contest  
Petition for Name Change  
Petition for Relief From Late Claim  
Other Civil Petition