

TERMED

U.S. District Court
MIDDLE DISTRICT OF TENNESSEE (Nashville)

CIVIL DOCKET FOR CASE #: 90-CV-524

Acuff-Rose Music v. Campbell, et al
Assigned to: Judge Thomas A. Wiseman, Jr. Filed: 06/18/90
Demand: \$0,000 Jury demand: Plaintiff
Lead Docket: None Nature of Suit: 820
Dkt# in other court: None Jurisdiction: Federal Question

Cause: 17:0101 Copyright Infringement

ACUFF-ROSE MUSIC, INC.
pltf

Alan L Marx
[term 08/03/94]
[COR LD NTC]
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Nashville, TN 37201
(615) 259-3456

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424 Church Street
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Sarah J. Nordlund
[COR LD NTC]

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Opryland Music Group
65 Music Square, W
Nashville, TN 37203
(615) 321-5000

F. Casey Del Casino
[term 08/03/94]
[COR LD NTC]
1908 Acklen Avenue
Nashville, TN 37212
(615) 385-0900

v.

LUTHER R. CAMPBELL
aka
Luke Skyywalker
deft

Sanford R. Ross
[term 11/14/91]
[COR LD NTC]
3310 West End Avenue
4th Floor
Nashville, TN 37203
(615) 386-9991

Alan Mark Turk
[term 09/07/95]
[COR LD NTC]
P O Box 3742
Brentwood, TN 37024-3742
(615) 376-9888

CHRISTOPHER WONGWON
aka
Fresh Kid Ice
deft

Sanford R. Ross
[term 11/14/91]
(See above)
[COR LD NTC]

Alan Mark Turk
[term 09/07/95]
(See above)
[COR LD NTC]

MARK ROSS
aka
Brother Marquis
deft

Sanford R. Ross
[term 11/14/91]
(See above)
[COR LD NTC]

Alan Mark Turk
[term 09/07/95]
(See above)
[COR LD NTC]

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DAVID HOBBS
aka
Mr. Mixx
deft

Sanford R. Ross
[term 11/14/91]
(See above)
[COR LD NTC]

Alan Mark Turk
[term 09/07/95]
(See above)
[COR LD NTC]

2 LIVE CREW
deft

Sanford R. Ross
[term 11/14/91]
(See above)
[COR LD NTC]

Alan Mark Turk
[term 09/07/95]
(See above)
[COR LD NTC]

LUKE SKYYWALKER RECORDS
deft

Sanford R. Ross
[term 11/14/91]
(See above)
[COR LD NTC]

Alan Mark Turk
[term 09/07/95]
(See above)
[COR LD NTC]

- 6/18/90 1 COMPLAINT, w/attached Exhibits A-E. (Summons(es) issued) Filing fee paid in the amount of : \$120.00. Receipt # 28267. (ag) [Entry date 09/10/91]
- 7/23/90 2 STIPULATION by Judge Thomas A. Wiseman Jr. : It is agreed that the dfts shall have until close of business on 8/1/90 to file a responsive pleading to complaint. (EOD 7/24/90) (cc: all counsel) (lh) [Entry date 10/16/91]
- 8/1/90 3 MOTION by defendants to dismiss (lh) [Entry date 10/16/91]
- 8/1/90 4 AFFIDAVIT of Oscar Brand re [3-1] (lh) [Entry date 10/16/91]
- 8/1/90 5 MEMORANDUM by defendants in support of motion to dismiss [3-1] (lh) [Entry date 10/16/91]
- 8/3/90 6 MOTION by defendants to deposit funds in amount of \$13,867.56 w/att Order for same (lh) [Entry date 10/16/91]
- 8/3/90 7 AFFIDAVIT of Luther Campbell re [6-1] (lh) [Entry date 10/16/91]
- 8/3/90 8 AFFIDAVIT of M. William Krasilovsky re [6-1] (lh) [Entry date 10/16/91]
- 8/15/90 9 RESPONSE by plaintiff to motion to deposit funds [6-1] (lh) [Entry date 10/16/91]
- 8/15/90 10 MOTION by plaintiff to convert dft's mtn to dismiss to a mtn for summary judgment (lh) [Entry date 10/16/91]
- 8/24/90 11 ORDER by Judge Thomas A. Wiseman Jr. granting motion to deposit funds [6-1] Dfts deposit w/the court \$13,867.56. Court will hold these funds during the pendency of this litigation or until such time as the court determines said funds should be released. These funds will be automatically rolled over into an interest bearing account unless otherwise ordered by the court. Ordered that counsel has designated that these funds be deposited in an interest bearing checking account at First American National Bank, in the name of the Clerk. Ordered that the clerk deduct an amount equal to the income earned and credited to the investment account for the first 45 days of income earned and to deposit in the U. S. Treasury. (EOD 8/24/90) (cc: all counsel) (lh) [Entry date 10/16/91]
- 8/24/90 12 AGREED ORDER by Judge Thomas A. Wiseman Jr. Ordered that pltf's response to motion to dismiss [3-1] will be due 8/28/90 (EOD 8/27/90) (cc: all counsel) (lh) [Entry date 10/16/91]
- 8/28/90 13 RESPONSE by plaintiff to motion to dismiss [3-1] w/atts consisting of cpy of Declaration of Gerald E. Teifer, Declaration of Earl V. Spielman, etc. (lh)

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[Entry date 10/16/91]

- 8/28/90 14 DECLARATION of Earl V. Spielman, att to [13-1] (lh)
[Entry date 10/16/91]
- 8/30/90 15 NOTICE by plaintiff of substitution of original declaration
of Gerald E. Teifer (cpy of same att to resp, #13) (lh)
[Entry date 10/16/91]
- 8/30/90 16 DECLARATION of Gerald E. Teifer re [13-1] (lh)
[Entry date 10/16/91]
- 10/5/90 17 SUPPLEMENTAL MEMORANDUM by defendants in support of motion
to dismiss [3-1] (lh) [Entry date 10/16/91]
- 10/26/90 18 SCHEDULING ORDER Judge Thomas A. Wiseman Jr. ; pretrial
conference set for 1:00 8/9/91 ; jury trial set for 9:00
8/27/91 (EOD 10/26/90) (cc: all counsel) (lh)
[Entry date 10/16/91]
- 10/26/90 19 ORDER by Judge Thomas A. Wiseman Jr. This action is set
for trial on Tuesday, 8/27/91, 9:00 a.m., Nashville. If
action is to be settled, the Courtroom Deputy shall be
notified by noon on Friday before the date of trial. If
settlement is reached thereafter resulting in the
non-utilization of jurors, the costs of summoning jurors
may be taxed to the ptys dependent upon the circumstances.
The requirements set forth in this order shall also apply
to any future continuances of the above trial date. (EOD
10/26/90) (cc: all counsel) (lh) [Entry date 10/16/91]
- 12/14/90 20 MOTION by plaintiff to compel production of documents (lh)
[Entry date 10/16/91]
- 12/14/90 21 MEMORANDUM by plaintiff in support of motion to compel
production of documents [20-1] (lh) [Entry date 10/16/91]
- 1/4/91 22 MOTION by defendants to extend time to respond to pltf's
mtn to compel (lh) [Entry date 10/16/91]
- 1/4/91 23 AFFIDAVIT of Alan Mark Turk re [22-1] (lh)
[Entry date 10/16/91]
- 1/10/91 24 ORDER by Judge Thomas A. Wiseman Jr. granting motion to
extend [22-1] time to respond to mtn to compel to 1/18/91
(EOD 1/10/91) (cc: all counsel) (lh) [Entry date 10/16/91]
- 1/11/91 25 MEMORANDUM OF THE COURT (EOD 1/14/91) (cc: all counsel) (lh)
[Entry date 10/16/91]

1/11/91 26 ORDER by Judge Thomas A. Wiseman Jr. For the reasons stated in accompanying memo, granting motion to dismiss (summary judgment) [3-1] pursuant to Rule 56 of the FRCP. Dft's rendition of "Pretty Woman" is a parody of the original "Oh, Pretty Woman" that constitutes fair use. The two TN state law claims for interference w/business relations and interference w/prospective business advantage for the performance and distribution of a cpy of "Oh, Pretty Woman" are preempted. dismissing case (EOD 1/14/91) (cc: all counsel) (lh) [Entry date 10/16/91]

1/16/91 27 RESPONSE by defendants to motion to compel production of documents [20-1] (lh) [Entry date 10/16/91]

2/11/91 28 NOTICE OF APPEAL by plaintiff from Dist. Court decision [26-2] entered on 1/14/91 (lh) [Entry date 10/16/91]

2/13/91 -- Short and Certified Record on Appeal sent to 6th CCA re [28-1] (lh) [Entry date 10/16/91]

2/13/91 29 MOTION by plaintiff for entry of supplemental order (lh) [Entry date 10/16/91]

2/14/91 30 SUPPLEMENTAL ORDER by Judge Thomas A. Wiseman Jr. granting motion for entry of supplemental order [29-1] The court hereby certifies that the Order of 1/14/91 should be appealable pursuant to 28:1292(b). This supplemental order is entered in supplementation and amendment of the order and memo entered on 1/14/91 (EOD 2/19/91) (cc: all counsel) (lh) [Entry date 10/16/91]

2/19/91 -- TRANSMITTED supplemental record on appeal to 6th CCA re [28-1] enclosing docs #29 & 30 (lh) [Entry date 10/16/91]

2/19/91 31 MEMORANDUM by plaintiff in support of motion for entry of supplemental order [29-1] (lh) [Entry date 10/16/91]

2/20/91 -- TRANSCRIPT Order Form for dates: trans unnecessary for appeal re [28-1] (lh) [Entry date 10/16/91]

3/4/91 -- NOTIFICATION by 6th CCA of Appellate Docket Number 91-5232 (lh) [Entry date 10/16/91]

4/3/91 -- INFORMATION COPY from 6th CCA dtd 4/1/91, action is dismissed for lack of jurisdiction. This dismissal will have no effect on pltf's pending petition for permission to appeal pursuant to 28:1292(b) (lh) [Entry date 10/16/91]

4/8/91 32 ORDER from 6th CCA dtd 4/4/91, petition for leave to appeal is denied (lh) [Entry date 10/16/91]

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5/14/91 33 MANDATE from 6th CCA dtd 4/25/91, dismissing the appeal [28-1] for lack of jurisdiction. This dismissal will have no effect on pltf's pending petition for permission to appeal pursuant to 28:1292(b) (lh) [Entry date 10/16/91]

5/14/91 -- RECORD on appeal returned from 6th CCA re appeal [0-0] (lh) [Entry date 10/16/91]

6/10/91 34 MOTION by plaintiff for distribution of funds or permission to file additional briefs (lh) [Entry date 10/16/91]

6/10/91 35 MOTION by plaintiff to amend complaint w/original of same att (lh) [Entry date 10/16/91]

6/10/91 36 MEMORANDUM by plaintiff in support of motion to amend complaint [35-1] (lh) [Entry date 10/16/91]

6/10/91 -- REMARK: Case inadvertently closed. Case reopened this date (lh) [Entry date 10/16/91]

6/19/91 37 RESPONSE by defendants to motion to amend complaint [35-1] (lh) [Entry date 10/16/91]

6/19/91 38 RESPONSE by defendant to motion for distribution of funds [34-1] (lh) [Entry date 10/16/91]

7/8/91 39 REPLY by plaintiff to response to motion to amend complaint [35-1] (lh) [Entry date 10/16/91]

7/24/91 40 SUPPLEMENTAL MEMORANDUM by defendants in opposition to motion to amend complaint [35-1] (lh) [Entry date 10/16/91]

8/2/91 41 NOTICE of hearing ; prtrial conf cancelled on 1:00 8/9/91 ; status conf set on 1:00 8/9/91 (lh) [Entry date 10/16/91]

8/7/91 42 NOTICE of offer of judgment by defendants (lh) [Entry date 10/16/91]

8/8/91 43 ORDER by Judge Thomas A. Wiseman Jr. denying motion to amend complaint [35-1] The amendment is untimely (EOD 8/9/91) (cc: all counsel) (lh) [Entry date 10/16/91]

9/9/91 44 "Supplemental" BRIEF FILED by plaintiff Acuff-Rose Music on damages and on new evidence as requested by the Court during the status conference held 8-9-91. (ag) [Entry date 09/10/91]

9/9/91 45 DECLARATION by Jerry Flowers in Support of Brief [44-1]. (ag) [Entry date 09/10/91]

9/20/91 46 RESPONSE by defendants to plaintiff's supplemental brief on damages and new evidence [44-1]. (ag) [Entry date 09/23/91]

- 9/30/91 47 ORDER by Judge Thomas A. Wiseman Jr.: In accordance with the Court's 1-14-91 order finding that the defendants' musical parody is protected under the fair use doctrine, the Court hereby ORDERS that the sum total of the funds and interest deposited with the Court pursuant to FRCP 67 be returned to the defendants. This is a final order terminating case from which an appeal of right lies. It is so Ordered. (EOD 9-30-91) (cc: all counsel and Financial Deputy) (ag) [Entry date 10/01/91]
- 10/3/91 48 MOTION by defendants for the Court to amend its order entered 9-30-91 to reflect that the funds be payable to Alan Mark Turk. (ag)
- 10/8/91 49 ORDER by Judge Thomas A. Wiseman Jr. granting motion for the Court to amend its order entered 9-30-91 to reflect the funds be payable to Alan Mark Turk [48-1]. (EOD 10-9-91) (cc: all counsel and Financial Deputy) (ag) [Entry date 10/09/91]
- 10/15/91 50 NOTICE OF APPEAL by plaintiff from Dist. Court decision [47-2] entered on 9/30/91 (lh) [Entry date 10/16/91]
- 10/15/91 -- RECEIVED filing fee (lh) [Entry date 10/16/91]
- 10/16/91 -- Short Record on Appeal sent to 6th CCA re [50-1] (lh)
- 10/16/91 -- REMARK: Service of NOA to Alan Mark Turk & Sanford R. Ross (lh)
- 10/28/91 -- NOTIFICATION by 6th CCA of Appellate Docket Number 91-6225 (lh) [Entry date 10/29/91]
- 11/6/91 -- TRANSCRIPT Order Form for dates: trans unnecessary for appeal re [50-1] (lh)
- 11/6/91 -- Notice of Completion mailed to 6CCA (lh)
- 11/14/91 -- MAIL Returned notice of completion of record [0-0] addressed to Sanford R. Ross. Per phone call w/attny's office, Mr. Ross moved to NY. (lh)
- 4/8/92 -- Certified Record on Appeal sent to 6th CCA re [50-1] (lh)
- 8/19/92 -- INFORMATION COPY from 6th CCA decided and filed 8/17/92, recommended for full-text publication (pb) [Entry date 08/25/92]
- 8/20/92 -- REMARK: Copy of corrected page 20 from decision mailed by 6CCA on 8/17/92 (pb) [Entry date 08/25/92]
- 9/11/92 51 NOTICE: Received corrected copy of page 32 of 6CCA decision originally forwarded 8/17/92 (pb)

- 11/9/92 52 MANDATE from 6th CCA Judgment: Reversing and remanding the Decision of the District Court [Appeal [0-0], [Appeal [50-1], [Appeal [0-0]. Case reopened. (ks) [Entry date 11/12/92]
- 11/18/92 53 MOTION by plaintiff Acuff-Rose Music for status conference (ks)
- 11/25/92 54 RESPONSE by defendants to motion for status conference [53-1] (ks) [Entry date 11/30/92]
- 12/3/92 -- REMARK: Received certified record on appeal from 6CCA consisting of 3 vols pleadings, exhibits D & E (cassette tapes) (pb) [Entry date 09/03/93]
- 4/8/93 55 ORDER by Judge Thomas A. Wiseman Jr. denying motion for status conference [53-1]: Certiorari granted by Supreme Court (EOD 4/8/93) (cc: all counsel) (pb)
- 9/3/93 -- NOTICE OF APPEAL: Certiorari granted 3/29/93. Certified record transmitted to Supreme Court per letter from Supreme Court to Circuit Court dated 7/20/93 (see memo from Patricia Sowell dated 8/26/93. [0-1] (pb)
- 9/13/93 -- REMARK: Received verification of receipt of certified case file by Supreme Court (pb) [Entry date 09/14/93]
- 5/26/94 -- INFORMATION COPY from 6th CCA: Case is REMANDED to the district court for further proceedings not inconsistent with the Supreme Court's Opinion (mg) [Entry date 05/27/94]
- 5/26/94 -- MANDATE from 6th CCA : Pursuant to the court's disposition that was filed 5/24/94, the mandate for this case hereby issues today (mg) [Entry date 05/27/94]
- 7/6/94 56 MOTION by plaintiff Acuff-Rose Music to wd/attorneys Alan A. Marx, Elizabeth B. Marney, Francis J. DelCasino, E. Andrew Norwood and King and Ballow and substitute Stephen P. Spann and Sarah J. Nordlund as counsel of record (mg) [Entry date 07/07/94] [Edit date 07/29/94]
- 7/6/94 -- PROPOSED Order re w/attys and subst attys (mg) [Entry date 07/07/94]
- 7/28/94 -- RECORD on appeal returned from Supreme Court of the United States Office of the Clerk (mg) [Entry date 07/29/94]
- 8/3/94 57 ORDER by Judge Thomas A. Wiseman Jr. granting motion to wd/attorneys [56-1] attorney Alan L Marx for Acuff-Rose Music, attorney E. Andrew Norwood for Acuff-Rose Music, attorney Elizabeth B. Marney for Acuff-Rose Music, attorney Francis J. Del Casino for Acuff-Rose Music (cc: all counsel) EOD 8/3/94 (mg)

- 7/27/95 58 ORDER by Judge Thomas A. Wiseman Jr. Status conference set for 1:30 8/18/95 (cc: all counsel) EOD 7/27/95 (mg)
- 8/2/95 59 ORDER by Judge Thomas A. Wiseman Jr. Status conference reset for 1:00 8/25/95 (cc: all counsel) EOD 8/2/95 (mg) [Edit date 08/03/95]
- 8/4/95 60 LETTER from pltf's counsel, Sarah Nordlund to Judge Wiseman re: that the Court defer ruling on Atty Turk's mtn to withdraw pending the Aug 25 status conference (db) [Entry date 08/09/95]
- 8/7/95 61 NOTICE (Suggestion) by Luther R. Campbell of filing bankruptcy (with attachment) (db) [Entry date 08/09/95]
- 8/10/95 62 NOTICE by Luke Skyywalker Rec of filing bankruptcy under Chapter 11 (mg) [Entry date 08/11/95]
- 8/30/95 63 ORDER by Judge Thomas A. Wiseman Jr.: Defts C. Wongwon, Mark Ross and David Hobbs shall serve an answer to cmp on or before 10/24/95 all discovery completed by 12/22/95 ; Trial set for 9:00 4/23/96 (cc: all counsel) EOD 8/30/95 (mg)
- 9/1/95 64 MOTION by Alan Mark Turk, atty for all defts to withdraw as attorney (mg)
- 9/7/95 65 ORDER by Judge Thomas A. Wiseman Jr. granting mtn to withdraw as attorney for defts [64-1]. Alan Mark Turk withdrawn as counsel for Campbell, Wongwon, Ross, Hobbs, 2 Live Crew & Luke Skyywalker (EOD 9/7/95) (cc: all counsel) tlabels (db)
- 10/23/95 -- PROPOSED Scheduling order (mk) [Entry date 10/24/95]
- 11/2/95 66 ORDER by Judge Thomas A. Wiseman Jr. Defts Christopher Wongwon, Mark Ross and David Hobbs shall serve an answer to the complaint on or before 12/22/95. Discovery to be completed by 2/22/96. Trial set for 9:00 on 3/12/96. (EOD 11/2/95) (cc: all counsel) (ks)
- 12/20/95 -- PROPOSED Order re discovery deadlines and trial date. (mk) [Entry date 12/21/95]
- 12/20/95 67 LETTER from counsel for pltf Acuff-Rose Music re settlement agreement. (mk) [Entry date 12/21/95]
- 1/3/96 68 ORDER by Judge Thomas A. Wiseman Jr. Defts Wongwon, Ross and Hobbs shall serve answer to complaint on or before 2/22/96. Discovery deadline set for 4/22/96; and trial reset for 9:00 6/4/96 EOD 1/3/96 (cc: all counsel) (mk)
- 4/11/96 69 SATISFACTION OF JUDGMENT as to pltf Acuff-Rose Music with attachments. (mk) [Entry date 04/12/96]

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4/11/96 -- PROPOSED Stipulation and Order of Dismissal. (mk)
[Entry date 04/12/96]

5/15/96 70 STIPULATION and ORDER OF DISMISSAL by Senior Judge Thomas
A. Wiseman Jr. (EOD 5/15/96) (cc: all counsel) (ts)

5/15/96 71 ORDER by Senior Judge Thomas A. Wiseman Jr. upon
settlement by parties, this action is dismissed w/o costs &
w/o prej to the right, upon good cause shown w/in 60 days,
to reopen the action if the settlement is not consummated.
(EOD 5/15/96) (cc: all counsel) (ts)