UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PK MUSIC PERFORMANCE, INC.,	:	
	:	
Plaintiff,	:	Docket No.
	:	
-against-	:	**COMPLAINT AND**
	:	**DEMAND FOR JURY TRIAL**
JUSTIN TIMBERLAKE, WILL ADAMS p/k/a "WILL.I.AM" and d/b/a "WILL.I.AM MUSIC PUBLISHING", ZOMBA RECORDING LLC ARISTA US HOLDINGS, INC., SONY MUSIC ENTERTAINMENT, TENNMAN TUNES, LLC, UNIVERSAL MUSIC – Z TUNES LLC, I.AM.COMPOSING, LLC, BMG RIGHTS MANAGEMENT (US) LLC d/b/a "BMG SAPPHIRE SONGS", WILL I AM MUSIC, INC., TENNMAN PRODUCTIONS, LLC,	:	
	:	
Defendants.	:	

Plaintiff PK Music Performance, Inc., by its attorneys, as and for its Complaint against defendants, hereby alleges upon personal knowledge and upon information and belief:

Nature of the Case

1. This is an action for copyright infringement, in violation of 17 U.S.C. ¶¶ 101, *et seq.* arising from the defendants' unauthorized reproduction, distribution and public performance of plaintiff's copyrighted musical composition *A New Day Is Here At Last* written by Perry Kibble in the song *Damn Girl* recorded by Justin Timberlake.

Jurisdiction

2. The Court has jurisdiction over the subject matter of this action under under 28 U.S.C. § 1338(a) because this action arises under the Copyright Act of 1976, 17 U.S.C. § 101 et seq.

3. This Court has personal jurisdiction over defendants because they have directed their activities and marketing of the infringing works discussed herein at New York residents, and New York residents are able to purchase the infringing works. Defendants thus do continuous and systematic business and/or have a place of business in this Judicial District.

4. Venue is proper in this Judicial District pursuant to 28 U.S.C 1391(b), 1391(c) and 1400(a) because defendants maintain offices in and are subject to personal jurisdiction in this Judicial District and have committed unlawful acts of infringement in this Judicial District. In addition, plaintiff maintains its place of business in this Judicial District.

Parties

5. Plaintiff PK Music Performance, Inc. is a corporation organized and existing under the laws of the State of New York. PK Music Performance, Inc. is engaged in, among other things, the business of music publishing.

6. Upon information and belief, defendant Justin Timberlake is an individual residing in New York ("Timberlake"). Timberlake conducts systematic and continuous business in New York including, but not limited to, public performances in New York and selling albums and merchandise on his personal website to citizens of New York. Timberlake is credited as a writer of the infringing musical composition *Damn Girl*, is the featured performer on the infringing sound recording *Damn Girl* included on his album Futuresex/Lovesounds (the "Album"), and is the featured performer on the infringing audio-visual recording *Damn Girl* included on his DVD titled Futuresex/Loveshow: Live From Madison Square Garden (the "DVD"). The infringing musical composition *Damn Girl*, sound recording of *Damn Girl*, and audio-visual recording of *Damn Girl* are hereinafter referred to as "the infringing works". Timberlake has reproduced, distributed and publicly performed and/or authorized the

reproduction, distribution and public performance of the infringing works, including on the Album, and DVD and at his live concerts on the Futuresex/Loveshow concert tour.

7. Upon information and belief, defendant Will Adams professionally known as "Will.I.Am" is an individual doing business as "Will.I.Am Music Publishing" and who does business in New York ("Adams"). Adams is credited as a writer of *Damn Girl* and is a featured performer on the infringing sound recording *Damn Girl* on the Album. Adams and Timberlake are credited (under the moniker "Jawbreakers") as the producers of the infringing recording of *Damn Girl* on the Album. Adams has reproduced, distributed and publicly performed the infringing works and/or authorized the reproduction, distribution and public performance of the infringing works, including on the Album and DVD.

8. Upon information and belief, defendant Zomba Recording LLC is a Delaware limited liability company that is authorized to do business in New York and that maintains an office in New York, New York. Zomba Recording LLC is engaged among other things, in the business of manufacturing, distributing, and licensing of sound recordings. Through its "Jive" record label imprint, Zomba Recording LLC has reproduced, distributed and publicly performed the infringing works and/or authorized the reproduction, distribution and public performance of the infringing works, including on the Album and DVD.

9. Upon information and belief, defendant Arista US Holdings, Inc. is a Delaware corporation authorized to do business in New York and that maintains an office in New York, New York and that was formerly known as Sony BMG Music Entertainment. Arista US Holdings, Inc. is engaged among other things, in the business of manufacturing, distributing, and licensing of sound recordings. Through its divisions and/or subsidiaries, Sony BMG Music Entertainment has reproduced, distributed and publicly performed the infringing works and/or

authorized the reproduction, distribution and public performance of the infringing works, including on the Album and DVD.

10. Upon information and belief defendant Sony Music Entertainment is a general partnership duly formed under the laws of the state of Delaware with its principal place of business at 550 Madison Avenue in New York, New York. Sony Music Entertainment is engaged among other things, in the business of manufacturing, distributing, and licensing of sound recordings. Through its divisions and/or subsidiaries, Sony Music Entertainment has reproduced, distributed and publicly performed the infringing works and/or authorized the reproduction, distribution and public performance of the infringing works, including on the Album and DVD.

11. Upon information and belief, defendant Tennman Tunes, LLC ("Tennman Tunes") is a Delaware limited liability company doing business in New York. Timberlake is a member of Tennman Tunes. Tennman Tunes is a music publisher of the infringing composition *Damn Girl* and has authorized the reproduction, distribution and public performance of the infringing works including on the Album and DVD.

12. Upon information and belief, defendant Universal Music – Z Tunes LLC ("Universal") is a New York limited liability company doing business in New York. Universal is a music publisher of the infringing composition *Damn Girl* and has authorized the reproduction, distribution and public performance of the infringing works, including on the Album and DVD.

13. Upon information and belief, defendant I.Am.Composing, LLC is a California limited liability company doing business in New York. I.Am.Composing, LLC has reproduced, distributed and publicly performed the infringing works, and/or authorized the reproduction, distribution and public performance of the infringing works, including on the Album and DVD.

14. Upon information and belief, defendant BMG Rights Management (US) LLC doing business as BMG Sapphire Song ("BMG") is a Delaware limited liability company authorized to do business in New York. BMG is a music publisher of the infringing composition *Damn Girl* and has authorized the reproduction, distribution and public performance of the infringing works, including on the Album and DVD.

15. Upon information and belief defendant Will I Am Music, Inc. is a California corporation doing business in New York. Will I Am Music, Inc. is a music publisher of the infringing composition *Damn Girl* and has authorized the reproduction, distribution and public performance of the infringing works, including on the Album and DVD.

16. Upon information and belief defendant Tennman Productions, LLC ("Tennman Productions") is a Delaware limited liability company doing business in New York. Timberlake is a member of Tennman Productions. Tennman Productions is production company that has reproduced, distributed and publicly performed and/or authorized the reproduction, distribution and public performance of the infringing works, including on the Album, the DVD and at live Justin Timberlake concerts.

Ownership of *A New Day Is Here At Last*

17. Perry Kibble was an accomplished musician, songwriter, producer and arranger who played saxophone, drums, bass guitar, and piano. Perry Kibble is best known as a member of the funk and disco band, "A Taste of Honey," who won the 1978 Grammy Award for Best New Artist. Their hit "Boogie Oogie Oogie" (co-written and arranged by Kibble) reached #1 on Billboard Hot 100 chart, sold two million copies, and is one of the most recognizable songs from the disco era.

18. Perry Kibble wrote the musical composition, *A New Day Is Here At Last*.

19. *A New Day Is Here At Last* contains copyrightable subject matter under the copyright laws of the United States.

20. Perry Kibble registered the copyright in the musical composition *A New Day Is Here At Last* with the United States Copyright Office, with an effective date of August 1, 1969, under certificate number EU 129840. Exhibit 1.

21. A recording of *A New Day Is Here At Last* by J.C. Davis was released in 1969 on 45 rpm vinyl records on the New Day record label.

22. The New Day 45 rpm records credit Perry Kibble as the writer of *A New Day Is Here At Last*.

23. Perry Kibble died in 1999 at the age of 49 from congestive heart failure, and by operation of will, assigned the ownership of the copyright in *A New Day Is Here At Last* to his sister, Janis McQuinton.

24. On or about February 6, 2003, Janis McQuinton recorded this assignment in the United States Copyright Office at Volume 3494 doc. no. 237.

25. On December 2, 2015, Janis McQuinton assigned 100% of her ownership in *A New Day Is Here At Last* and all accrued copyright infringement claims to plaintiff PK Music Performance, Inc. ("PK Music"), a corporation of which Janis McQuinton is the principal.

26. On December 26, 2015, PK Music published *A New Day Is Here At Last*.

27. PK Music registered the renewal copyright registration for *A New Day Is Here At Last* with the United States Copyright Office with effective date of January 11, 2016 under certificate numbers RE 931-991 and RE 931-992. Exhibit 2.

Defendants Infringed *A New Day Is Here At Last*

28. On or about September 12, 2006, the defendants commercially released the musical composition and sound recording, "Damn Girl" by the artist, Justin Timberlake, ("*Damn Girl*" on the album, Futuresex/Lovesounds (the "Album").

29. A substantial amount of the music in *Damn Girl* is copied from *A New Day Is Here At Last*. Specifically, a substantial part of the drum, conga drum, organ, bass guitar, electric guitar, and saxophone parts in *Damn Girl*, were all copied from *A New Day Is Here At Last*.

30. The music in *Damn Girl* is not the product of independent creation.

31. The music in *Damn Girl* is strikingly similar to *A New Day Is Here At Last*.

32. The portions of *A New Day Is Here At Last* copied in *Damn Girl* are not only quantitatively substantial, but qualitatively important to *A New Day Is Here At Last*, including the introduction, rhythm, harmony, melody, and "hook" all of which are copyrightable elements individually and in combination.

33. Upon information and belief, Timberlake performed *Damn Girl* including the music copied from *A New Day Is Here At Last* at all concerts he performed on the Futuresex/Loveshow concert tour (the "Tour").

34. On or about November 20, 2007, the defendants reproduced and distributed or authorized the reproduction and distribution of an audio-visual recording of an infringing concert performance of *Damn Girl* by Justin Timberlake on a DVD titled Futuresex/Lovesounds: Live from Madison Square Garden (the "DVD").

35. Each of the defendants copied, reproduced, distributed and/or publicly performed copyrightable elements of *A New Day Is Here At Last* in *Damn Girl*, and/or authorized the same, including on the Album, DVD and/or the Tour all without authorization from plaintiff or Janis McQuinton, and *Damn Girl* constitutes *inter alia*, an unauthorized derivative work.

36. Beginning September 12, 2006, each of the defendants reproduced, distributed, publicly performed and/or authorized the reproduction, distribution and public performance of the infringing composition, sound recording and audio-visual recording of *Damn Girl* throughout the world including on the Album, DVD and/or the Tour, and each of the defendants continues to infringe *A New Day Is Here At Last.*

37. Plaintiff's principal, Janis McQuinton, first discovered that the music in *Damn Girl* was copied from *A New Day Is Here At Last* in August, 2015.

38. Plaintiff is entitled to damages dating back to the defendants' initial infringement in September, 2006.

The Infringement by Defendants is Willful

39. The public records of the Copyright Office establish that at the time that *Damn Girl* was released on the Album in 2006, Janis McQuinton, was publicly recorded as the sole owner of the copyright in *A New Day Is Here At Last.*

40. No one ever contacted Janis McQuinton or plaintiff for permission to copy or otherwise use *A New Day Is Here At Last* in *Damn Girl* and neither Janis McQuinton nor plaintiff ever authorized any use of *A New Day Is Here At Last* by the defendants.

41. The defendants were reckless, willfully blind, and/or willfully reproduced, distributed and/or publicly performed *A New Day Is Here At Last* in *Damn Girl* on the Album, DVD and/or Tour, and/or authorized the same, without authorization from Janis McQuinton or plaintiff.

First Cause of Action
(Copyright Infringement – 17 U.S.C. § 101, et seq.)

42. Plaintiff repeats and realleges the allegations set forth above as though set forth fully herein.

43. Defendants' reproduction, distribution, and/or public performances of the infringing work, *Damn Girl*, and/or authorization of the same, continue and defendants have not compensated plaintiff for the use of its copyrighted work in *Damn Girl*, despite the fact that they have received money and other substantial benefits from their unauthorized use of plaintiff's musical composition.

44. The defendants' reproduction, distribution, public performance of *Damn Girl*, and authorizing others to do the same, infringes plaintiff's exclusive rights under the Copyright Act.

45. The conduct of each of the defendants is knowing and willful.

46. As a proximate result of defendants' wrongful conduct, plaintiff has been irreparably harmed, suffered damage, and defendants have profited in an amount to be determined at trial.

Second Cause of Action
(Permanent Injunction)

47. Plaintiff repeats and realleges the allegations set forth above as though set forth fully herein.

48. Plaintiff has a likelihood of eventual success in this litigation.

49. Plaintiff will suffer irreparable harm if injunctive relief is not granted by this Court.

50. Defendants' infringements of plaintiff's copyright in *A New Day Is Here At Last* are causing irreparable harm to plaintiff.

Demand for Jury Trial

51. Plaintiff respectfully requests a trial by jury on all claims asserted in this Complaint.

Prayer for Relief

WHEREFORE, plaintiff, by its attorneys, respectfully requests that judgment be entered against defendants, jointly and severally, as follows:

A. For judgment that defendants have violated the Copyright Act and that all such violations have been willful; and

B. For judgment entering a preliminary and permanent injunction enjoining and restraining defendants and their officers, agents, servants, employees and attorneys and all those in active concert or participation with them, from infringing plaintiff's exclusive rights under the Copyright Act by reproducing, distributing and publicly performing *Damn Girl*, and authorizing others to the same; and

C. For judgment assessing defendants for the damages suffered by plaintiff since defendants' began infringing *A New Day Is Here At Last* on September 12, 2006, including an award of actual damages and defendants' profits attributable to the infringement, or statutory damages (at plaintiff's election) under the Copyright Act, as well as costs and attorney's fees to the full extent provided for by Sections 501, 504 and 505 of the Copyright Act, 17 U.S.C. §§ 501, 504 and 505; and

D. For judgment directing that defendants deliver up for destruction to plaintiff all copies of *Damn Girl* in their possession or under their control, pursuant to 15 U.S.C. § 1118 and 17 U.S.C. § 503; and

E. For judgment granting such other, further, and different relief as to the Court may deem just and proper, including plaintiff's costs and reasonable attorneys' fees.

Dated: New York, New York
February 17, 2016

LA REDDOLA LESTER & ASSOCIATES, LLP
Attorneys for Plaintiff

By: /s/ Steven M. Lester
Steven M. Lester
600 Old Country Road, Suite 224
Garden City, New York 11530
P: (516) 357-0056

EXHIBIT 1

FORM E

Application for Registration of a Claim to Copyright

in a musical composition the author of which is a citizen or domiciliary of the United States of America or which was first published in the United States of America

CLASS	REGISTRATION NO.
E	Eu 129840
	DO NOT WRITE HERE EP EU

Instructions: Make sure that all applicable spaces have been completed before you submit the form. The application must be SIGNED at line 9. For published works the application should not be submitted until after the date of publication given in line 4(a), and should state the facts which existed on that date. For further information, see page 4.

Pages 1 and 2 should be typewritten or printed with pen and ink. Pages 3 and 4 should contain exactly the same information as pages 1 and 2, but may be carbon copies.

Mail all pages of the application to the Register of Copyrights, Library of Congress, Washington, D.C. 20540, together with:

(a) If unpublished, one complete copy of the work and the registration fee of $6.

(b) If published, two copies of the best edition of the work and the registration fee of $6.

Make your remittance payable to the Register of Copyrights.

1. Copyright Claimant(s) and Address(es): Give the name(s) and address(es) of the copyright owner(s). In the case of published works the name(s) should ordinarily be the same as in the notice of copyright on the copies deposited.

Name PERRY KIBBLE

Address 839 E. 33 St. Los Angeles, Calif.

Name

Address

2. Title: A NEW DAY IS HERE AT LAST
(Give the title of the musical composition as it appears on the copies)

3. Authors: Citizenship and domicile information must be given. Where a work is made for hire, the employer is the author. Organizations formed under U.S. Federal or State law are U.S. citizens.

Authors include composers of music, authors of words, arrangers, compilers, etc. If the copyright claim is based on new matter (see line 5) give information about the author of the new matter.

Name PERRY KIBBLE PERRY KIBBLE
(Give legal name followed by pseudonym if latter appears on the copies)
Citizenship: U.S.A. ✓ (Check if U.S. citizen) Other ____ (Name of country)
Domiciled in U.S.A. Yes ✓ No ____ Address 839 E. 33 St.
Author of MUSIC (State which: words, music, arrangement, etc.)

Name
(Give legal name followed by pseudonym if latter appears on the copies)
Citizenship: U.S.A. ____ (Check if U.S. citizen) Other ____ (Name of country)
Domiciled in U.S.A. Yes ____ No ____ Address ____
Author of ____ (State which: words, music, arrangement, etc.)

Name
(Give legal name followed by pseudonym if latter appears on the copies)
Citizenship: U.S.A. ____ (Check if U.S. citizen) Other ____ (Name of country)
Domiciled in U.S.A. Yes ____ No ____ Address ____
Author of ____ (State which: words, music, arrangement, etc.)

NOTE: Leave all spaces of line 4 blank unless your work has been PUBLISHED.

4. (a) Date of Publication: Give the date when copies of this particular version of the work were first placed on sale, sold, or publicly distributed. The date when copies were made or printed, or the date when the work was performed should not be confused with the date of publication. (NOTE: The full date (month, day, and year) must be given.)

(Month) (Day) (Year)

(b) Place of Publication: Give the name of the country in which this particular version of the work was first published.

NOTE: Leave all spaces of line 5 blank unless the instructions below apply to your work.

5. Previous Registration or Publication: If a claim to copyright in any substantial part of this work was previously registered in the U.S. Copyright Office in unpublished form, or if any substantial part of the work was previously published anywhere, give requested information.

Was work previously registered? Yes ____ No ____ Date of registration ____ Registration number ____

Was work previously published? Yes ____ No ____ Date of publication ____ Registration number ____

Is there any substantial **NEW MATTER** in this version? Yes ____ No ____ If your answer is "Yes," give a brief general statement of the nature of the **NEW MATTER** in this version. (New matter may consist of compilation, arrangement, adaptation, editorial revision, and the like, as well as additional words and music.)

EXAMINER

Complete all applicable spaces on next page

6. If registration fee is to be charged to a deposit account established in the Copyright Office, give name of account:

7. Name and address of person or organization to whom correspondence or refund, if any, should be sent:

Name PERRY KIBBLE Address 839 E. 33rd.

8. Send certificate to:

(Type or print name and address)

Name PERRY KIBBLE

Address 839 E. 33rd.
(Number and street)

Los Angeles (City) Calif. (State) 90011 (ZIP code)

9. **Certification**: (Application not acceptable unless signed)

I CERTIFY that the statements made by me in this application are correct to the best of my knowledge.

Perry Kibble
(Signature of copyright claimant or duly authorized agent)

Application Forms

Copies of the following forms will be supplied by the Copyright Office without charge upon request.

Class A Form A—Published book manufactured in the United States of America.

Class A or B
- Form A-B Foreign—Book or periodical manufactured outside the United States of America (except works subject to the ad interim provisions of the copyright law).
- Form A-B Ad Interim—Book or periodical in the English language manufactured and first published outside the United States of America.

Class B
- Form B—Periodical manufactured in the United States of America.
- Form BB—Contribution to a periodical manufactured in the United States of America.

Class C Form C—Lecture or similar production prepared for oral delivery.

Class D Form D—Dramatic or dramatico-musical composition.

Class E
- Form E—Musical composition the author of which is a citizen or domiciliary of the United States of America or which was first published in the United States of America.
- Form E Foreign—Musical composition the author of which is not a citizen or domiciliary of the United States of America and which was not first published in the United States of America.

Class F Form F—Map.

Class G Form G—Work of art or a model or design for a work of art.

Class H Form H—Reproduction of a work of art.

Class I Form I—Drawing or plastic work of a scientific or technical character.

Class J Form J—Photograph.

Class K
- Form K—Print or pictorial illustration.
- Form KK—Print or label used for an article of merchandise.

Class L or M Form L-M—Motion picture.

Form R—Renewal copyright.

Form U—Notice of use of copyrighted music on mechanical instruments.

FOR COPYRIGHT OFFICE USE ONLY	
Application received AUG - 1 1969	
One copy received AUG - 1 1969	
Two copies received	
Fee received 9523 AUG-1'69	
Renewal	

EXHIBIT 2

Certificate of Registration

This Certificate issued under the seal of the Copyright Office in accordance with title 17, *United States Code*, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Maria A. Pallante

United States Register of Copyrights and Director

RE 931-991

RE0000931991

EFFECTIVE DATE OF RENEWAL REGISTRATION

JAN 11 2016

MM DD YYYY

1 TITLE AND ORIGINAL TERM INFORMATION

A Title of work as first published or registered: A New Day Is Here At Last

IF YOU NEED MORE SPACE, USE SPACE B ON FORM RE/CON

If periodical, give: Volume: _____ Number: _____ Issue date: _____ ISSN: _____

B Alternative title: _____

IF YOU NEED MORE SPACE, USE SPACE B ON FORM RE/CON

C If first published as a contribution to a periodical or other collective work, give title of larger work:

_____

IF YOU NEED MORE SPACE, USE SPACE B ON FORM RE/CON

If periodical, give: Volume: _____ Number: _____ Issue date: _____ ISSN: _____

D Has this work (or the work in which it was first published, if a contribution) ever been registered?
Yes [✓] *Give registration number:* EU 129840 ◂ OR ▸ No [ ] *(Complete Form RE/Addendum.)*

E Publication date: _____ (MM/DD/YYYY) ◂ OR ▸ Registration date, if registered as unpublished work: 08/23/1969 (MM/DD/YYYY)

F Year date(s) in copyright notice, if earlier than actual publication year date: 19____ ISBN: _____

G Original copyright claimant(s): Perry Kibble

IF YOU NEED MORE SPACE, USE SPACE B ON FORM RE/CON

H If the work was originally registered in Class Ai or Bi, was a U.S. edition registered?
Yes [ ] *Give registration number:* _____ ◂ OR ▸ No [ ]

I If the original registration record was corrected or amplified by supplementary registration on Form CA, give the registration number and effective date of the supplementary registration: Number: _____ Date: _____

2 WORK OR MATERIAL CLAIMED AND AUTHOR INFORMATION

A Copyright for the renewal term is claimed in: *(Check only one.)*

1 [✓] the entire work.
2 [ ] a contribution first published in a periodical or other collective work.
3 [ ] revisions in previously published or registered work. *Describe revisions:* _____
4 [ ] separate element(s) of authorship in a larger work. *Specify element(s):* _____

OR ▸

5 [ ] The renewal claim is based on the first publication of a work previously registered as an unpublished work under registration number: _____

B The following author(s) contributed to the work or material claimed:

Name: Perry Kibble This author created: Music
Date of death, if applicable: 02/1999 (MM/DD/YYYY)

Name: _____ This author created: _____
Date of death, if applicable: _____ (MM/DD/YYYY)

Name: _____ This author created: _____
Date of death, if applicable: _____ (MM/DD/YYYY)

IF THERE ARE ADDITIONAL AUTHORS, USE SPACE D ON FORM RE/CON.

PRIVACY ACT ADVISORY STATEMENT Required by the Privacy Act of 1974 (P.L. 93-579) The authority for requesting this information is title 17 U.S.C. §409 and §410. Furnishing the requested information is voluntary. But if the information is not furnished, it may be necessary to delay or refuse registration and you may not be entitled to certain relief, remedies, and benefits provided in chapters 4 and 5 of title 17 U.S.C. The principal uses of the requested information are the establishment and maintenance of a public record and the examination of the application for compliance with the registration requirements of the copyright code. Other routine uses include public inspection and copying, preparation of public indexes, preparation of public catalogs of copyright registrations, and preparation of search reports upon request. NOTE: No other advisory statement will be given in connection with this application. Please keep this statement and refer to it if we communicate with you regarding this application.

APPLICATION RECEIVED: 1/11/16
CORRESPONDENCE: ☐ YES
EXAMINED BY: J
FUNDS RECEIVED: 1/11/16

DO NOT WRITE ABOVE THIS LINE.
IF YOU NEED MORE SPACE, USE FORM RE/CON.

3 RENEWAL TERM OWNERSHIP INFORMATION

A Name the party or parties entitled by law to claim the renewal copyright on the last day of the original 28-year term of copyright. For each statutory claimant named, give the basis of the claim, and provide a *current* address. *Read instructions.*

Name: Perry Kibble as the: Author
Address: ◂OR▸ Year of death: 1999

Name: as the:
Address: ◂OR▸ Year of death:

Name: as the:
Address: ◂OR▸ Year of death:

Name: as the:
Address: ◂OR▸ Year of death:

IF THERE ARE ADDITIONAL STATUTORY CLAIMANTS, USE SPACE E ON FORM RE/CON.

B This application is submitted by or on behalf of the: (*Check only one.*)
☐ Statutory claimant(s) named above. (*Go on to section 4.*)
OR ▸
☑ Assignee/successor of the statutory claimant(s) named above. (*Complete space C below.*)

C PK Music Performance, Inc. (ASSIGNEE/SUCCESSOR) by Assignment in 2015 (MEANS OF TRANSFER)
Current address: c/o Schwartz & Ponterio, PLLC, 134 West 29th Street, Suite 1006, New York, NY 10001

4 CERTIFICATION

I, the undersigned, hereby certify that I am the statutory claimant, the assignee/successor, or the duly authorized agent of the statutory claimant or assignee/successor, and that the statements made by me in this application are correct.

Typed or printed name: Brian Levenson, Esq. Date: 01/06/2015
Handwritten signature:

5 PAYMENT, CORRESPONDENCE, AND MAILING INFORMATION

Deposit account number: Account name:
Contact information for correspondence, including name and mailing address:
Brian Levenson, Esq., Schwartz & Ponterio, PLLC, 134 West 29th Street, Suite 1006, New York, NY 10001
Phone: (212) 714-1200 Fax: (212) 714-1264 Email: blevenson@splaw.us

MAILING ADDRESS FOR CERTIFICATE:

Brian Levenson, Schwartz & Ponterio, PLLC
NAME
134 West 29th Street, Suite 1006
NUMBER/STREET
New York | NY | 10001 | USA
CITY/TOWN | STATE/PROVINCE | ZIP/POSTAL CODE | COUNTRY
APT/SUITE

17 USC §506(e) Any person who knowingly makes a false representation of a material fact in the application for copyright registration provided for by section 409, or in any written statement filed in connection with the application, shall be fined not more than $2,500.

Certificate of Registration

This Certificate issued under the seal of the Copyright Office in accordance with title 17, *United States Code*, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Maria A. Pallante

United States Register of Copyrights and Director

RE 931-992

EFFECTIVE DATE OF RENEWAL REGISTRATION

JAN 11 2016

MM DD YYYY

1 TITLE AND ORIGINAL TERM INFORMATION

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If periodical, give: Volume: _____ Number: _____ Issue date: _____ ISSN: _____

B Alternative title: _____

IF YOU NEED MORE SPACE, USE SPACE B ON FORM RE/CON

C If first published as a contribution to a periodical or other collective work, give title of larger work:

_____

IF YOU NEED MORE SPACE, USE SPACE B ON FORM RE/CON

If periodical, give: Volume: _____ Number: _____ Issue date: _____ ISSN: _____

D Has this work (or the work in which it was first published, if a contribution) ever been registered?

Yes ☐ *Give registration number*: _____ ◂ OR ▸ No ☑ (*Complete Form RE/Addendum.*)

E Publication date: 12/26/2015 (MM/DD/YYYY) ◂ OR ▸ Registration date, if registered as unpublished work: _____ (MM/DD/YYYY)

F Year date(s) in copyright notice, if earlier than actual publication year date: 19____ ISBN: _____

G Original copyright claimant(s): Perry Kibble

IF YOU NEED MORE SPACE, USE SPACE B ON FORM RE/CON

H If the work was originally registered in Class Ai or Bi, was a U.S. edition registered?

Yes ☐ *Give registration number*: _____ ◂ OR ▸ No ☐

I If the original registration record was corrected or amplified by supplementary registration on Form CA, give the registration number and effective date of the supplementary registration: Number: _____ Date: _____

2 WORK OR MATERIAL CLAIMED AND AUTHOR INFORMATION

A Copyright for the renewal term is claimed in: (*Check only one.*)

1 ☐ the entire work.

2 ☐ a contribution first published in a periodical or other collective work.

3 ☐ revisions in previously published or registered work. *Describe revisions*: _____

4 ☐ separate element(s) of authorship in a larger work. *Specify element(s)*: _____

OR ▸

5 ☑ The renewal claim is based on the first publication of a work previously registered as an unpublished work under registration number: EU 129840 effective 1969

B The following author(s) contributed to the work or material claimed:

Name: Perry Kibble — This author created: Music

Date of death, if applicable: _____ (MM/DD/YYYY)

Name: _____ — This author created: _____

Date of death, if applicable: _____ (MM/DD/YYYY)

Name: _____ — This author created: _____

Date of death, if applicable: _____ (MM/DD/YYYY)

IF THERE ARE ADDITIONAL AUTHORS, USE SPACE D ON FORM RE/CON.

PRIVACY ACT ADVISORY STATEMENT Required by the Privacy Act of 1974 (P.L. 93-579) The authority for requesting this information is title 17 U.S.C. §409 and §410. Furnishing the requested information is voluntary. But if the information is not furnished, it may be necessary to delay or refuse registration and you may not be entitled to certain relief, remedies, and benefits provided in chapters 4 and 5 of title 17 U.S.C. The principal uses of the requested information are the establishment and maintenance of a public record and the examination of the application for compliance with the registration requirements of the copyright code. Other routine uses include public inspection and copying, preparation of public indexes, preparation of public catalogs of copyright registrations, and preparation of search reports upon request. NOTE: No other advisory statement will be given in connection with this application. Please keep this statement and refer to it if we communicate with you regarding this application.

APPLICATION RECEIVED: 1/11/16
CORRESPONDENCE: ☑ YES
EXAMINED BY:
FUNDS RECEIVED: 1/11/16

DO NOT WRITE ABOVE THIS LINE.
IF YOU NEED MORE SPACE, USE FORM RE/CON.

3 RENEWAL TERM OWNERSHIP INFORMATION

A Name the party or parties entitled by law to claim the renewal copyright on the last day of the original 28-year term of copyright. For each statutory claimant named, give the basis of the claim, and provide a *current* address. *Read instructions.*

Name: Perry Kibble as the: Author
Address: ◂ OR ▸ Year of death: 1999

Name: as the:
Address: ◂ OR ▸ Year of death:

Name: as the:
Address: ◂ OR ▸ Year of death:

Name: as the:
Address: ◂ OR ▸ Year of death:

IF THERE ARE ADDITIONAL STATUTORY CLAIMANTS, USE SPACE E ON FORM RE/CON.

B This application is submitted by or on behalf of the: (*Check only one.*)
☐ Statutory claimant(s) named above. (*Go on to section 4.*)
OR ▸
☑ Assignee/successor of the statutory claimant(s) named above. (*Complete space C below.*)

C PK Music Performance, Inc. (ASSIGNEE/SUCCESSOR) by Assignment in 2015 (MEANS OF TRANSFER)
Current address: c/o Schwartz & Ponterio, PLLC, 134 West 29th Street, Suite 1006, New York, NY 10001

4 CERTIFICATION

I, the undersigned, hereby certify that I am the statutory claimant, the assignee/successor, or the duly authorized agent of the statutory claimant or assignee/successor, and that the statements made by me in this application are correct.

Typed or printed name: Brian Levenson, Esq. Date: 01/06/2015
Handwritten signature:

5 PAYMENT, CORRESPONDENCE, AND MAILING INFORMATION

Deposit account number: Account name:
Contact information for correspondence, including name and mailing address:
Brian Levenson, Esq., Schwartz & Ponterio, PLLC, 134 West 29th Street, Suite 1006, New York, NY 10001
Phone: (212) 714-1200 Fax: (212) 714-1264 Email: blevenson@splaw.us

MAILING ADDRESS FOR CERTIFICATE:

Brian Levenson Esq., Schwartz & Ponterio, PLLC
NAME
134 West 29th Street, Suite 1006
NUMBER/STREET
New York | NY | 10001 | USA
CITY/TOWN | STATE/PROVINCE | ZIP/POSTAL CODE | COUNTRY

17 USC §506(e): Any person who knowingly makes a false representation of a material fact in the application for copyright registration provided for by section 409, or in any written statement filed in connection with the application, shall be fined not more than $2,500.

160964702

160964702

1-325361/1-1-17

RE 931–992

RE0000931992

Form RE/Addendum

For works *not* registered during original term · United States Copyright Office

Complete this form only if you answered "no" to question 1d on Form RE, or if otherwise required (see accompanying instructions).

EFFECTIVE DATE OF RENEWAL REGISTRATION (MM/DD/YYYY): 1/11/16

FORM RE/ADD REC'D: 1/11/16

DEPOSIT COPY REC'D: 1/11/16 ☑ SELECTED

FEE REC'D: 1/11/16

PAGE 3 OF 3

ANSWER ONLY THE QUESTIONS THAT APPLY TO YOUR CLAIM.

DO NOT WRITE ABOVE THIS LINE.

1 TITLE INFORMATION

A Title of work: A New Day Is Here At Last

If periodical, give: Volume: _____ Number: _____ Issue date: _____

B If copyright is claimed in a contribution to this periodical or collective work, give title of contribution:

_____

2 AUTHOR INFORMATION

A Name of the author of the work or material claimed: Perry Kibble

B This author was a citizen of (deceased) *and* domiciled in _____ on the date of first publication.

3 PUBLICATION INFORMATION

Date of first publication (MM/DD/YYYY): 12 / 26 / 2015

Nation of first publication: ☑ United States ◂ OR ▸ ☐ Other: _____ NATION

4 MANUFACTURE INFORMATION

(Complete this space only if the work consists predominantly of nondramatic literary material, including periodicals and two-dimensional prints and labels, in the English language. If not, go on to space 5.)

☐ Manufactured in the United States

☐ Manufactured in: _____ NATION Specify manufacturing process: _____ TYPE OF PROCESS

5 DEPOSIT INFORMATION *(Check only one.)*

☑ One complete copy of the work as first published is deposited.

☐ A complete copy of the work as first published cannot be deposited.

Describe deposit copy: A New Day Is Here At last (sheet music - full score)

SEE THE INSTRUCTIONS ABOUT ACCEPTABLE ALTERNATIVE DEPOSIT MATERIALS.

6 VERIFICATION OF COPYRIGHT NOTICE

I hereby aver that all copies of this work as first published bore the copyright notice as it appears in the deposit material, and said copyright notice appeared on all copies of the work, including any reprint copies, publicly distributed in the United States or elsewhere until March 1, 1989, and U.S. copyright subsists in the work.

Typed or printed name: Brian Levenson, Esq. Date: 01/06/2016

Handwritten signature: _____