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12
 13 **UNITED STATES DISTRICT COURT**
 14 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**
 15

16 SHAWN CARTER, also known as
 17 JAY-Z, an individual,
 18 Plaintiff,
 19 v.
 20 JONATHAN MANNION, an
 individual, and JONATHAN
 21 MANNION PHOTOGRAPHY LLC, a
 New York limited liability company,
 22 Defendants.

Case No. 2:21-cv-04848-PA-KS

**PLAINTIFF’S MOTION IN LIMINE
 NO. 1 (COPYRIGHT);
 DECLARATION OF DYLAN C.
 BONFIGLI**

The Honorable Percy Anderson

Date: July 11, 2022
 Time: 1:30 p.m.
 Courtroom: 9A

Trial Date: July 19, 2022

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 25 **REDATED VERSION OF DOCUMENT PROPOSED TO BE**
 26 **FILED UNDER SEAL**
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1 **TO THE COURT, ALL PARTIES, AND THEIR COUNSEL OF RECORD:**

2 PLEASE TAKE NOTICE that on July 11, 2022, at 1:30 p.m. or as soon as the
3 matter may be heard, in Courtroom 9A of the above-titled Court, located at 350 W.
4 1st Street, Los Angeles, California 90012, Plaintiff Shawn Carter will, and hereby
5 does, move in limine for an order excluding any argument, testimony, or evidence
6 regarding Defendants' claim that Defendant Mannion is the owner of the copyright
7 in photos of Jay-Z, including any assertions that Defendants granted copyright
8 licenses to Plaintiff or nonparties.

9 This motion is based on the grounds that the question of whether Defendant
10 Mannion owns any interest in the copyright to any photograph, and any issues
11 related to any such copyright interest, are not relevant to any claim or defense in this
12 right-of-publicity case, *see* Fed. R. Evid. 401, 402, and will serve only to confuse
13 the fact-finder and prejudice Plaintiff. *See* Fed. R. Evid. 403.

14 The documentary evidence subject to this motion includes: JX-14, JX-232,
15 JX-238, JX-241, JX-242, JX-243, JX-244, JX-245, JX-246, JX-247, JX-248, JX-
16 249, JX-250, JX-275, JX-277, JX-278, JX-301.

17 The deposition evidence includes: Kempler Tr. 25:6-26:4, 26:17-27:17,
18 45:23-45:25, 46:2-46:5, 51:6-51:12, 52:8-24, 54:25-55:8, 58:15-20, 55:21-56:15,
19 57:16-25, 58:2-22, 59:10-20; 60:6-9, 62:23-25, 63:5-22, 63:23-64:15, 65:1-12, 66:3-
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22 84:5, 84:9-13, 84:14-20, 84:21-85:5, 85:7-18, 88:7-89:5, 89:6-90:6, 90:25-91:17,
23 91:20-92:1, 92:13-93:1, 105:21-106:10, 106:15-106:23, 108:5-108:10, 110:4-
24 110:14; and Patrick Tr. 29:11-15, 30:10-31:20, 34:13-35:25, 40:3-41:12, 42:14-24;
25 43:1-16, 44:4-45:10, 46:21-47:19, 50:11-23, 51:1-52:25, 53:1-5, 53:13-24, 54:9-15,
26 54:16-57:15, 57:17-58:4, 58:5-60:25, 61:22-62:1, 61:2-6, 66:10-20, 71:10-12,
27 71:19-72:1.

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1 This motion is based on this notice; the memorandum of points and
2 authorities; the declaration of Dylan C. Bonfigli; all pleadings, records, and papers
3 on file in this action; such other matters of which this Court may take judicial
4 notice; and upon such other evidence and oral argument as may be considered by the
5 Court before or at the hearing on this application.

6 This motion is made following a conference of counsel pursuant to Local
7 Rule 7-3 and Section II.B of this Court's Civil Trial Scheduling Order (ECF No.
8 52), which took place on May 20, 2022.

9
10 DATED: June 17, 2022

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A. Plaintiff’s motion does not violate the four-motion limit. 13

B. Defendants licensing of copyrights does not show consent. 14

C. Plaintiff did not place copyright licensing at issue. 14

D. Defendants’ “laches” argument is moot. 15

E. Plaintiff will present evidence of copyright ownership only to rebut Defendants’ assertions of copyright ownership. 15

CONCLUSION..... 16

DECLARATION OF DYLAN C. BONFIGLI..... 17

ATTESTATION STATEMENT..... 20

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