

No. 20-142

IN THE

Supreme Court Of The United States

Michael Skidmore, as Trustee for the Randy Craig Wolfe
Trust,

Petitioner,

v.

Led Zeppelin et al., and Warner/Chappell Music, Inc.,

Respondents

On Petition for a Writ of Certiorari to the United States
Court of Appeals for the Ninth Circuit

**MOTION FOR LEAVE TO FILE AMICUS CURIAE
BRIEF AND BRIEF OF THE PULLMAN GROUP, LLC
AND STRUCTURED ASSET SALES, LLC AS AMICUS
CURIAE IN SUPPORT OF GRANTING THE PETITION**

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September 10, 2020

**MOTION OF THE PULLMAN GROUP, LLC AND
STRUCTURED ASSET SALES, LLC FOR LEAVE
TO FILE A BRIEF AMICUS CURIAE IN SUPPORT
OF GRANTING THE PETITION**

The Pullman Group, LLC and Structured Asset Sales, LLC (“Amici”) hereby move, pursuant to S. Ct. R. 37.2, for leave to file a brief *amicus curiae* in support of the petition for a writ of certiorari to the United States Court of Appeals for the Ninth Circuit. *Amici* are filing this motion because they have been unable to secure consent from Respondent.¹ The proposed brief is attached.

As more fully explained in the Statement of Interest of *Amici Curiae* beginning on page 1 of the attached brief, amici are concerned that the Ninth Circuit’s decision, if allowed to stand, will have serious negative repercussions for *amici* and the larger community of authors, artists and copyright owners. The brief of *amici* will assist the Court in determining whether to grant certiorari, because the brief elaborates on why the Ninth Circuit’s ruling on the so-called “deposit copy” issue erroneously limits basic, long-standing principles of copyright law based solely on administrative function of the United States Copyright Office.

Just days after the erroneous Ninth Circuit decision was issued in *Skidmore*, its conclusion regarding the “deposit copy” issue was adopted by

¹ On August 13, 2020, counsel for *Amici* contacted counsel for Respondent, and asked whether Respondent would consent to Amici filing a brief in support of the Petition for Certiorari. On August 17, 2020, counsel for Respondent advised counsel for *Amici* that Respondent would not so consent.

the United States District Court for the Southern District of New York in *Griffin v. Sheeran*, 1:17-cv-05221-LLS (S.D.N.Y.) in a manner that materially restricts the ability of the plaintiffs in that case to litigate their copyright infringement case.² *Amicus Structured Asset Sales, LLC* has brought two cases in the Southern District of New York based on the same core allegations of infringement as are at issue in the *Griffin* case. *Structured Asset Sales, LLC v. Sheeran*, 1:18-cv-05839-LLS (*SAS I*); *Structured Asset Sales, LLC v. Sheeran*, 1:20-cv-4329-RA (*SAS II*).

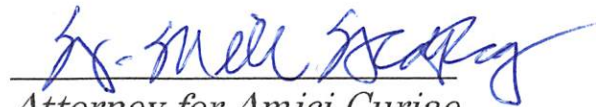
At the heart of all three cases is the allegation that the 1973 musical composition “Let’s Get it On” – written by Marvin Gaye and Edward Townsend and performed by Gaye – has been infringed by the 2014 release of “Thinking Out Loud,” written by Ed Sheeran and Amy Wadge and performed by Sheeran. The *SAS II* matter – in fact – was filed in partial response to the *Skidmore* and *Griffin* “deposit copy” decisions, and bases its claims of infringement not only on the 1973 registrations for “Let’s Get it On,” but also on an additional registration for that composition secured in 2020, using the 1973 sound recording of “Let’s Get it On” as its deposit copy.

The potential for adoption of the erroneous *Skidmore* deposit copy holding in the two *Structured Asset Sales* matters presents a direct threat to the ability of *amici* to litigate their claims and protect their financial interests as beneficial copyright owners.

² *Griffin v. Sheeran*, No. 1:17-cv-05221-LLS (S.D.N.Y. March 24, 2020) (ECF 121).

Accordingly, *amici* respectfully request that the Court grant leave to file the attached brief as *amici curiae*.

Respectfully submitted,



*Attorney for Amici Curiae
The Pullman Group, LLC and
Structured Asset Sales, LLC*

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