

## APPENDIX TABLE OF CONTENTS

### RELEVANT OPINION RE JUDGMENT SOUGHT TO BE REVIEWED

Memorandum Opinion, Ninth Circuit (June 7, 2022) .....	1a
---	----

### OTHER RELEVANT ORDERS

Judgment, Case 1712, District Court, and Image of Judgment (March 15, 2021).....	7a
---	----

Judgment, Case 4167, District Court, and Image of Judgment (Entered March 18, 2021) .....	10a
---	-----

Statement of Ruling Granting Motion for Summary Judgment, Filed in Case 1712 & Case 4167 (March 11, 2021).....	13a
--	-----

### ORDERS ON REHEARING

Order Denying Petition for Panel Rehearing, Ninth Circuit (June 21, 2022) .....	73a
--	-----

Rule 59/60 Motion for Reconsideration, Case 1712 (May 13, 2021) .....	75a
--	-----

## APPENDIX TABLE OF CONTENTS (Cont.)

### CONSTITUTIONAL AND STATUTORY PROVISIONS

Relevant Constitutional and Statutory Provisions Involved.....	99a
U.S. Const. amend. V.....	99a
17 U.S.C. § 101.....	99a
17 U.S.C. § 102.....	112a
28 U.S.C. § 1254.....	113a
28 U.S.C. § 1291.....	114a
Federal Rules of Civil Procedure Rule 42.....	114a
Federal Rules of Civil Procedure Rule 59.....	115a
Federal Rules of Civil Procedure Rule 60.....	116a
Federal Rules of Evidence Rule 201.....	118a

### DISTRICT COURT, RELEVANT MATERIAL

First Amended Complaint, Case 1712	
Relevant Excerpts (March 7, 2019).....	120a
Complaint, Case 4167,	
Relevant Excerpts (May 14, 2019).....	124a
Scheduling Conference Order, Case 1712	
(July 11, 2019).....	128a
Substitution of Attorney, Case 1712	
(February 24, 2020).....	130a
Motion for Summary Judgment, Case 1712,	
Relevant Excerpts (January 31, 2020).....	132a
Rule 59/60 Motion for Reconsideration, Case 1712	
(March 26, 2021).....	134a
Notice of Appeal, Case 1712	
(June 3, 2021).....	140a
Electronic Filing Mailing List,	
Case 1712.....	142a

## APPENDIX TABLE OF CONTENTS (Cont.)

Electronic Filing Mailing List, Case 4167 .....	144a
Docket Report for Case #: 2:19-cv-01712-GW-AGR .....	146a
Docket Report for Case #: 2:19-cv-04167-GW-AGR .....	202a

### NINTH CIRCUIT, RELEVANT MATERIAL

Appellant's Opening Brief, Relevant Excerpts (October 8, 2021) .....	219a
Answering Brief, Relevant Excerpts (January 12, 2022).....	224a
Appellant's Request for Judicial Notice (March 3, 2022).....	235a
Appellant's Reply Brief, Relevant Excerpts (March 3, 2022).....	237a
Petition for Panel Rehearing (June 16, 2022) .....	242a

App.1a

**MEMORANDUM OPINION, NINTH CIRCUIT\***  
**(JUNE 7, 2022)**

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UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

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GARY FRISBY, PKA G-MONEY,

*Plaintiff-Appellant,*

v.

SONY MUSIC ENTERTAINMENT, DBA RCA  
Records, a Delaware General Partnership; ET AL.,

*Defendants-Appellees.*

and

CORTEZ BRYANT, an Individual; ET AL.,

*Defendants.*

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Nos. 21-55586, 21-55587

D.C. Nos. 2:19-cv-01712-GW-AGR,  
2:19-cv-04167-GW-AGR

Appeal from the United States District Court  
for the Central District of California  
George H. Wu, District Judge, Presiding

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\* This disposition is not appropriate for publication and is not  
precedent except as provided by Ninth Circuit Rule 36-3.

App.2a

Submitted May 19, 2022\*\*  
Pasadena, California

Before: OWENS and BRESS, Circuit Judges,  
and FITZWATER,\*\* District Judge.

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Plaintiff-Appellant Gary Frisby (“Frisby”) appeals the district court’s order granting summary judgment to Defendants on his sound recording and musical composition copyright infringement claims based on his beat track, *Shawty So Cold* (“*Shawty*”). He also appeals the denial of his motion for reconsideration under Federal Rules of Civil Procedure 59(e) and 60(b) of the judgment dismissing his sound recording copyright infringement claim. Frisby alleges that Defendants-Appellees Sony Music Entertainment, Bryson Tiller, and Michael Hernandez are liable for copyright infringement based on their involvement with the platinum-selling hip-hop song, *Exchange*, which Frisby maintains copies key parts of *Shawty*.

Frisby asserted these claims in two separate lawsuits. The first—based on his sound recording copyright infringement claim—was docketed in the district court as Civil Action No. 2:19-cv-01712-GW-AGR (the “1712 Action”). The second—filed later and based on his musical composition copyright infringement claim—was docketed in the district court as Civil Action No. 2:19-cv-04167-GW-AGR (the “4167 Action”). We have

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\*\* The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

\*\*\* The Honorable Sidney A. Fitzwater, United States District Judge for the Northern District of Texas, sitting by designation.

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