

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

ISAAC DONALD EVERLY,

Plaintiff,

v.

**PATRICE Y. EVERLY, PHILLIP J.
EVERLY, CHRISTOPHER EVERLY,
THE PHILLIP EVERLY FAMILY
TRUST and EVERLY AND SONS
MUSIC (BMI),**

Defendants.

**Case No. 3:17-cv-01440
Judge Aleta A. Trauger**

ORDER

For the reasons discussed in the accompanying Memorandum, setting forth the court's findings of fact and conclusions of law following a bench trial, the court hereby **DECLARES** as follows:

1. Don Everly expressly repudiated Phil Everly's authorship of "Cathy's Clown" prior to June 1980 and more than three years before the defendants filed their Counterclaim, as a result of which the Counterclaim is time-barred, and the defendants are legally estopped from claiming that Phil Everly was a co-author of "Cathy's Clown."

2. Because the defendants cannot, as a matter of law, establish that they are the statutory successors of an author of "Cathy's Clown," they are estopped from claiming or exercising rights granted to an author and the statutory successors of an author of "Cathy's Clown," a copyrighted work, including the right to terminate a grant of copyright, the right to register any rights in

“Cathy’s Clown” with BMI, the U.S. Copyright Office, or any other parties, and the right to redirect any moneys derived from “Cathy’s Clown.”

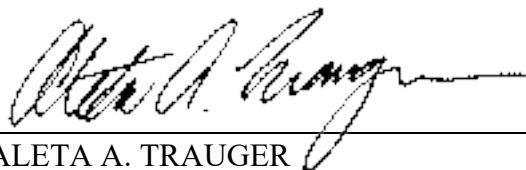
3. The 1980 Release is not a grant subject to termination under the Copyright Act.

4. Plaintiff Donald Isaac Everly properly terminated the 1960 Grant by virtue of the 2011 Notice to Sony and is the 100% owner of the U.S. rights of termination with respect to the work “Cathy’s Clown” and the owner of 100% of the songwriter royalties from “Cathy’s Clown.”

The Clerk is **DIRECTED** to enter judgment for the plaintiff and to dismiss the Counterclaim in its entirety, with prejudice.

This is the final order in this case, for purposes of Rule 58 of the Federal Rules of Civil Procedure.

It is so **ORDERED**.



ALETA A. TRAUGER
United States District Judge