

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

Tracy Chapman,
Plaintiff,
v.
Onika Tanya Maraj et al.,
Defendant.

2:18-cv-09088-VAP-SSx

**Order DENYING Plaintiff's
Motion for Partial Summary
Judgment (Dkt. 54)
and GRANTING Defendant's
Motion for Partial Summary
Judgment (Dkt. 57)**

United States District Court
Central District of California

Before the Court are Plaintiff Tracy Chapman's ("Chapman") Motion for Partial Summary Judgment ("Chapman MSJ," Dkts. 54 (redacted), 56, Ex. A) and Defendant Onika Tanya Maraj's ("Maraj") Motion for Partial Summary Judgment ("Maraj MSJ," Dkt. 57). The parties each opposed the other's Motion. ("Maraj Opposition," ("Opp."), Dkt. 66; "Chapman Opp.," Dkt. 67).

After considering all the papers filed in support of, and in opposition to, the Motions, the Court deems this matter appropriate for resolution without a hearing. See Fed. R. Civ. P. 78; C.D. Cal. L.R. 7-15. The Court GRANTS Maraj's Motion for Partial Summary Judgment and DENIES Chapman's Motion for Partial Summary Judgment.

1 **I. BACKGROUND**

2 This action arises out of a copyright dispute between Chapman and
3 Maraj regarding the use and distribution of Chapman’s musical composition.
4

5 On October 22, 2018, Chapman brought this action alleging copyright
6 infringement of her musical composition, *Baby Can I Hold You* (the
7 “Composition”). (Dkt. 1). According to Chapman, Maraj violated Chapman’s
8 exclusive rights to “reproduce, distribute, and prepare derivative works from
9 and otherwise exploit the Composition.” (*Id.* ¶ 50). Maraj denies these
10 allegations. (Dkt. 14).
11

12 Each party now moves for partial summary judgment. (Chapman MSJ;
13 Maraj MSJ). Chapman seeks partial summary judgment only on the issue of
14 copyright infringement (not damages). (Chapman MSJ, at 2). Specifically,
15 Chapman alleges that Maraj is liable for copyright infringement in two ways:
16 (1) for creating a song (hereinafter, the “new work” or “song”) that
17 incorporates lyrics and melodies of the Composition; and (2) for distributing
18 the song to a DJ and radio host. (*Id.*). Chapman also requests that the Court
19 summarily adjudicate that the infringement was willful. (*Id.*).
20

21 Maraj, in her Motion, seeks summary judgment only on the issue of her
22 alleged infringement for creating the song. (Maraj MSJ). According to Maraj,
23 the creation of the song constitutes fair use. (*Id.*).
24

25 On August 24, 2020, both parties opposed the other’s Motion.
26 (Chapman Opp.; Maraj Opp.). On August 31, 2020, both parties filed replies

1 in support of their Motions. (“Chapman Reply,” Dkt. 72; “Maraj Reply,” Dkt.
2 73). For the reasons stated below, the Court DENIES Chapman’s Motion in
3 its entirety and GRANTS Maraj’s Motion.
4

5 **II. LEGAL STANDARD**

6 A motion for summary judgment or partial summary judgment shall be
7 granted when there is no genuine issue as to any material fact and the moving
8 party is entitled to judgment as a matter of law. Fed. R. Civ. P. 56(a);
9 *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 247-48 (1986).
10

11 “[W]hen parties submit cross-motions for summary judgment, each
12 motion must be considered on its own merits.” *Fair Hous. Council of*
13 *Riverside Cty., Inc. v. Riverside Two*, 249 F.3d 1132, 1136 (9th Cir. 2001)
14 (internal quotations and citations omitted). Thus, “[t]he court must rule on
15 each party’s motion on an individual and separate basis, determining, for
16 each side, whether a judgment may be entered in accordance with the Rule
17 56 standard.” (*Id.* (quoting Wright, et al., Federal Practice and Procedure §
18 2720, at 335–36 (3d ed. 1998))). If, however, the cross-motions are before
19 the court at the same time, the court must consider the evidence proffered by
20 both sets of motions before ruling on either one. *Riverside Two*, 249 F.3d at
21 1135–36.
22

23 Generally, the burden is on the moving party to demonstrate that it is
24 entitled to summary judgment. *Margolis v. Ryan*, 140 F.3d 850, 852 (9th Cir.
25 1998). “The moving party may produce evidence negating an essential
26 element of the nonmoving party’s case, or . . . show that the nonmoving party

1 does not have enough evidence of an essential element of its claim or
2 defense to carry its ultimate burden of persuasion at trial.” *Nissan Fire &*
3 *Marine Ins. Co. v. Fritz Companies, Inc.*, 210 F.3d 1099, 1106 (9th Cir. 2000)
4 (reconciling *Adickes v. S.H. Kress & Co.*, 398 U.S. 144 (1970) and *Celotex*
5 *Corp. v. Catrett*, 477 U.S. 317 (1986)). The nonmoving party must then “do
6 more than simply show that there is some metaphysical doubt as to the
7 material facts” but must show specific facts which raise a genuine issue for
8 trial. *Matsushita Elec. Indus. Co. v. Zenith Radio Corp.*, 475 U.S. 574, 586
9 (1986). A genuine issue of material fact will exist “if the evidence is such that
10 a reasonable jury could return a verdict for the non-moving party.” *Anderson*,
11 477 U.S. at 248.

12
13 In ruling on a motion for summary judgment, a court construes the
14 evidence in the light most favorable to the non-moving party. *Barlow v.*
15 *Ground*, 943 F.2d 1132, 1135 (9th Cir. 1991). “[T]he judge’s function is not []
16 to weigh the evidence and determine the truth of the matter but to determine
17 whether there is a genuine issue for trial.” *Anderson*, 477 U.S. at 249.

18 19 **III. FACTS**

20 Both Chapman and Maraj filed statements of undisputed facts,
21 (“Chapman SUF,” Dkts. 54-1, 56, Ex. B; “Maraj SUF,” Dkt. 59), to which the
22 other party has filed statements of genuine dispute and additional facts,
23 (“Chapman RSUF,” Dkt. 67-2, “Maraj RSUF,” Dkt. 69). Chapman also filed a
24 response to Maraj’s additional facts proffered in opposition to Chapman’s
25 Motion. (“Chapman RAMF,” Dkt. 72-4). Each party has also filed various
26 evidentiary objections to facts cited in the other’s papers. (“Chapman

1 Objections to Maraj’s MSJ Evidence,” Dkt. 67-3; “Maraj Objections to
2 Chapman’s MSJ Evidence,” Dkt. 68; “Chapman Objections to Maraj’s Opp.
3 Evidence,” Dkt. 72-2). Chapman also filed a response to Maraj’s objections
4 to Chapman’s evidence. (“Chapman Response to Maraj Objections,” Dkt. 72-
5 3).

6
7 To the extent certain facts or contentions are not mentioned in this
8 Order, the Court has not found it necessary to consider them in reaching its
9 decision. In addition to considering the evidentiary objections raised by the
10 parties, the Court has reviewed independently the admissibility of the
11 evidence that both parties submitted and has not considered evidence that is
12 irrelevant or inadmissible. At the summary judgment stage, a district court
13 should “focus on the admissibility of the [evidence’s] contents” and not the
14 form in which the evidence is presented—it is sufficient that a party will be
15 able to produce evidence in its admissible form at trial. See *Fraser v.*
16 *Goodale*, 342 F.3d 1032, 1036 (9th Cir. 2003); *Block v. City of Los Angeles*,
17 253 F.3d 410, 418–19 (9th Cir. 2001).

18
19 Moreover, “objections to evidence on the ground that it is irrelevant,
20 speculative, and/or argumentative, or that it constitutes an improper legal
21 conclusion are all duplicative of the summary judgment standard itself” and
22 thus need not be considered on a motion for summary judgment. *Burch v.*
23 *Regents of Univ. of Cal.*, 433 F. Supp. 2d 1110, 1120 (E.D. Cal. 2006).

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.