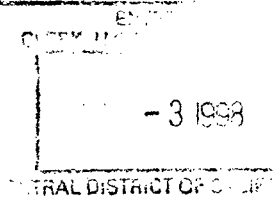
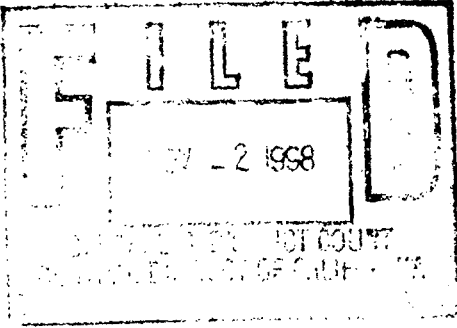


Exhibit A

Exhibit E

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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

BARBARA ALLBUT BROWN, et al.,)	CASE NO. CV 98-5381 DT (RZx)
)	
)	ORDER GRANTING DEFENDANTS'
Plaintiffs,)	MOTION TO DISMISS PLAINTIFFS'
)	FIRST AMENDED COMPLAINT
vs.)	
)	
POLYGRAM RECCRDS, et al.,)	
)	
)	
Defendants.)	

I. Background
A. Factual Summary

This case involves claims brought by Plaintiffs Barbara Allbut Brown ("Brown"), Peggy Santiglia Davison ("Davison"), and Phyllis Allbut Sirico, ("Sirico") (collectively "Plaintiffs") against Polygram Records ("Polygram"), Mercury Records, Inc. ("Mercury") and FGG Productions, Inc. ("FGG") (collectively "Defendants") for damages and injunctive and declaratory relief

1 in connection with the use of the name "The Angels," which is the
2 professional name under which the Plaintiffs performed as a
3 singing group. The causes of action contained in Plaintiffs'
4 First Amended Complaint are as follows:

5 (1) The first cause of action is by Davison and Sirico for
6 infringement of a registered trademark against all Defendants;

7 (2) The second cause of action is by all Plaintiffs for
8 false designations and descriptions against all Defendants;

9 (3) The third cause of action is by all Plaintiffs for
10 unfair competition against all Defendants;

11 (4) The fourth cause of action is by Brown and Sirico for
12 breach of contract against FGG;

13 (5) The fifth cause of action is by Brown and Sirico for
14 rescission against FGG;

15 (6) The sixth cause of action is by all Plaintiffs for
16 constructive trust against FGG;

17 (7) The seventh cause of action is by all Plaintiffs for
18 accounting against all Defendants;

19 (8) The eighth cause of action is by all Plaintiffs for
20 fraud against FGG;

21 (9) The ninth cause of action is by Davison for conversion
22 against all Defendants;

23 (10) The tenth cause of action is by Davison for trespass
24 to chattel against all Defendants; and

25 (11) The eleventh cause of action is by all Plaintiffs for
26 declaratory relief against all Defendants.

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1 Plaintiffs allege that on or about March 25, 1963,
2 Brown and Sirico entered into a contract with Sabina Records
3 ("Sabina Contract") under which all musical records and tapes
4 recorded by Brown and Sirico would become the property of Sabina
5 Records. In return, Sabina Records would pay Brown and Sirico
6 specified royalties of all records sold by Sabina records or any
7 affiliate or licensee. Amended Complaint at ¶ 15. The Sabina
8 Contract also provided that it was to be interpreted under the
9 laws of the State of New York. Id. at ¶ 14. On or about March
10 25, 1963, after execution of the Sabina Contract, Sabina Records
11 assigned its rights in the Sabina Contract to FGG. Id. at ¶ 18.

12 Plaintiffs state that Davison was never a party to the
13 Sabina Contract, but sometime in 1963, Davison joined the group
14 "The Angels" and took part in recording songs, including "My
15 Boyfriend's Back." Id. at ¶ 19. "My Boyfriend's Back" became
16 Mercury's largest album hit. Plaintiffs' Opposition at 1.

17 Plaintiffs allege that on or about June 13, 1963, Brown
18 and Sirico signed a contract with FGG ("FGG Contract") under
19 which FGG would pay Brown and Sirico specified royalties based on
20 sales of Brown and Sirico's recordings.¹ Id. at ¶ 20. The FGG
21

22 Plaintiffs did not attach the Sabina Contract or the FGG
23 Contract to their First Amended Complaint. However, Defendants
24 submitted a copy of the Sabina Contract with their motion to
25 dismiss. They represent that they requested a copy of the Sabina
26 Contract from Plaintiffs and that Plaintiffs gave them a copy of
27 the Sabina Contract but that page 10 is missing and Plaintiffs
28 have been unable to locate page 10. Defendants also represent
that neither party has been able to locate a copy of the FGG
Contract.

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