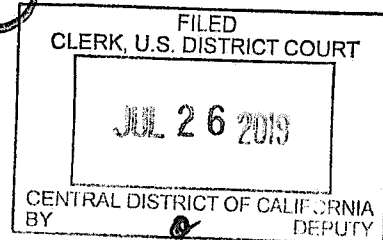


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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

MARCUS GRAY; ET AL.,

Plaintiff,

vs.

KATY PERRY; ET AL.,

Defendants.

} Case No. 2:15-CV-05642-CAS(JCx)
SPECIAL VERDICT

We the jury in the above-entitled action answer the questions submitted to us as follows:

Question 1:

Did Plaintiffs prove, by a preponderance of the evidence, that “Dark Horse” contains material from the musical composition “Joyful Noise” that is both original to Plaintiffs and not commonplace expression?

Yes No

If you answer Question 1 “No,” turn to the last page, sign and return this verdict.

If you answer Question 1 “Yes,” then proceed to answer Question 2.

Question 2:

Did Plaintiffs prove, by a preponderance of the evidence, that the “Joyful Noise” and “Dark Horse” musical compositions are objectively substantially similar in copyrightable protectable expression?

Yes No

If you answer Question 2 “No,” turn to the last page, sign and return this verdict.

If you answer Question 2 “Yes,” then proceed to answer Question 3.

Question 3:

Did Plaintiffs prove, by a preponderance of the evidence, that an ordinary, reasonable person would find that the total concept and feel of the “Joyful Noise” and “Dark Horse” musical compositions are substantially similar in copyrightable protectable expression?

Yes No

If you answer Question 3 “No,” turn to the last page, sign and return this verdict.

If you answer Question 3 “Yes,” then proceed to answer Question 4.

Question 4:

Did Plaintiffs prove, by a preponderance of the evidence, that “Joyful Noise” was widely disseminated such that Defendants had a reasonable opportunity to hear “Joyful Noise” prior to creating “Dark Horse”?

Yes No

If you answer Question 4 “No,” turn to the last page, sign and return this verdict.

If you answer Question 4 “Yes,” then proceed to answer Question 5.

Question 5:

Did Defendants prove, by a preponderance of the evidence, that they did not avail themselves of the opportunity to hear “Joyful Noise” prior to creating “Dark Horse”?

Yes _____ No

If you answer Question 5 “Yes,” turn to the last page, sign and return this verdict.

If you answer Question 5 “No,” then proceed to answer Question 6.

Question 6:

Did Defendants prove, by a preponderance of the evidence, that Defendants independently created “Dark Horse”?

Yes _____ No

If you answer Question 6 “Yes,” turn to the last page, sign and return this verdict.

If you answer Question 6 “No,” then proceed to answer Question 7.

Question 7:

Did Plaintiffs prove, by a preponderance of the evidence, that the inclusion of the instrumental music (i.e., the beat) created by Mr. Ojukwu in “Joyful Noise” is part of a joint work of authorship with the other Plaintiffs?

Yes No

If you answer Question 7 “No,” turn to the last page, sign and return this verdict.

If you answer Question 7 “Yes,” then proceed to answer Question 8.

Question 8:

As to each defendant listed below, do you find by a preponderance of the evidence that he/she/it copied “Joyful Noise” or distributed “Dark Horse”?

| | | |
|--|---|-----------------------------|
| Capitol Records, LLC | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| Jordan Houston | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| Lukasz Gottwald | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| Katheryn Elizabeth Hudson | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| Sarah Theresa Hudson | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| Karl Martin Sandberg | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| Henry Russell Walter | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| WB Music Corp. | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| Kobalt Music Publishing America, Inc. | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| Kasz Money, Inc. | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |

After answering “Yes” or “No” for each Defendant, turn the page, sign and return this verdict.

The foreperson should now sign this verdict form.

Dated: July 19, 2019

After this verdict form has been signed, notify the clerk that you are ready to present your verdict in the courtroom.