COUNTY CLERK 05/26/2022 11:54

RECEIVED NYSCEF: 05/26/2022

INDEX NO. 656498/2022

SUPREME COURT OF THE STATE OF NEW YORK COUNTY OF NEW YORK

ROUND HILL MUSIC, LP,

ROUND HILL MUSIC ROYALTY FUND II LP, : and ARTISTS RIGHTS MANAGEMENT LLC,

**SUMMONS WITH NOTICE** 

Plaintiffs,

Index No.

-against-

Date of Filing:

BOBBY RAY SIMMONS, JR. p/k/a B.o.B., and BOBBY RAY TOURING INC.

Defendants.

To the above-named Defendants:

YOU ARE HEREBY SUMMONED to serve a notice of appearance on Plaintiffs' attorneys within twenty (20) days after the service of this summons, exclusive of the day of service (or within thirty (30) days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear, judgment will be taken against you by default for the relief demanded in the notice set forth below.

Plaintiffs designate New York County as the venue and place of trial. The basis of the venue is plaintiff's place of business, the occurrence of events giving rise to this action in New York County, and the agreement between the Parties that any adjudication of the terms or breach of the contract at issue in this action shall be heard only by the state and federal courts located in New York County.

Plaintiffs' address is c/o Boies Schiller Flexner LLP, 55 Hudson Yards, 20th Floor, New York, New York 10001.

Dated: May 26, 2022

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**NOTICE** 

Round Hill Music, LP, Round Hill Music Royalty Fund II LP, and Artists Rights

Management LLC (collectively "Plaintiffs") bring this action against Bobby Ray Simmons, Jr.

p/k/a B.o.B. and Bobby Ray Touring Inc. (collectively "Defendants") for breach of contract and

for foreclosure under the New York Uniform Commercial Code ("NY UCC").

Defendants entered into an Assignment Agreement and Security Agreement with

RAZOR/TEI I LLC ("RAZOR/TEI"), both dated January 1, 2017. The Assignment Agreement

granted RAZOR/TEI all right, title and interest to collect certain royalties from the public

performance of all sound recordings featuring Bobby Ray Simmons, Jr. p/k/a B.o.B. The Security

Agreement granted RAZOR/TEI a first-priority security interest in certain rights associated with

the sound recording performance rights and revenues described in the Acquisition Agreement.

RAZOR/TEI filed a valid UCC Financing Statement on May 16, 2017 (attached hereto as

Exhibit A). Subsequently, RAZOR/TEI transferred its rights under the Acquisition Agreement

and Security Agreement to Artists Rights Management LLC, and Artists Rights Management LLC

was thereafter acquired by Round Hill Music Royalty Fund II LP.

In an intentional violation of the Assignment Agreement, Defendants have prevented

Plaintiffs from collecting the royalties that Plaintiffs are contractually entitled to collect.

Defendants' breach of the Assignment Agreement also constitutes an Event of Default under the

terms of the Security Agreement, giving Plaintiffs the right to exercise all remedies provided for

in the Security Agreement and by Article 9 of the New York Uniform Commercial Code.

Plaintiffs now bring this action to reduce their security interest to judgment and to collect

damages they have suffered as a result of Defendants' willful and intentional breach of the

Assignment Agreement of at least \$3,000,000, together with attorneys' fees, costs, and expenses.

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Upon your failure to appear, judgment will be taken against you by default for the judgment sought, and for money damages in a sum that is no less than \$3,000,000, plus attorneys' fees, costs and expenses, as well as interest (if any) as provided by statute.

Dated: May 26, 2022

New York, New York

/s/ Joshua I. Schiller

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