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Attorneys for Defendants  
MILEY CYRUS, also sued as MCEO Publishing,  
GREGORY HEIN, also sued as Songs By Gregory Hein,  
MICHAEL POLLACK, also sued as What Key Do You  
Want It In Music, MCEO, INC., SONY MUSIC  
ENTERTAINMENT, SONY MUSIC PUBLISHING (US) LLC,  
PULSE 2.0, LLC, sued as These Are Pulse Songs, PURE  
TONE MUSIC, LLC, sued as Songs With A Pure Tone,  
CONCORD MUSIC PUBLISHING LLC, BLASTRONAUT,  
INC., sued as Droog Publishing, WARNER-TAMERLANE  
PUBLISHING CORP., AMAZON.COM SERVICES LLC,  
APPLE INC., PANDORA MEDIA, LLC, DISNEY PLATFORM  
DISTRIBUTION, INC., TARGET CORP., BARNES  
& NOBLE BOOKSELLERS, INC., TIDAL MUSIC  
LLC, WALMART INC., WAL-MART.COM USA, INC.,  
WIDE EYED GLOBAL, IHEARTMEDIA, INC., and  
LIVE NATION ENTERTAINMENT, INC.

**UNITED STATES DISTRICT COURT**  
**CENTRAL DISTRICT OF CALIFORNIA**  
**WESTERN DIVISION**

TEMPO MUSIC INVESTMENTS,  
LLC,

Plaintiff,

v.

MILEY CYRUS, an individual;  
GREGORY HEIN, an individual;  
MICHAEL POLLACK, an individual;  
SONY MUSIC PUBLISHING (US)  
LLC; CONCORD MUSIC  
PUBLISHING LLC; WARNER-  
TAMERLANE PUBLISHING CORP.;  
MCEO PUBLISHING; WHAT KEYDO  
YOU WANT IT IN MUSIC;  
SONGS WITH A PURE TONE;  
(continued next page)

Case No. 2:24-cv-07910-DDP-BFM

THE SONGWRITER DEFENDANTS'  
NOTICE OF MOTION AND MOTION  
TO DISMISS PLAINTIFF'S  
COMPLAINT PURSUANT TO RULE  
12(b)(6)

Date: January 13, 2025  
Time: 10:00 a.m.

Courtroom of the Honorable  
Dean D. Pregerson  
United States District Judge

1 SONGS BY GREGORY HEIN;  
2 DROOG PUBLISHING; THESE ARE  
3 PULSE SONGS; WIDE EYED  
4 GLOBAL; MCEO, INC.; SONY  
5 MUSIC ENTERTAINMENT; APPLE  
6 INC.; IHEARTMEDIA, INC.;  
7 PANDORA MEDIA, LLC; DEEZER  
8 S.A.; AMAZON.COM SERVICES  
9 LLC; SOUNDCLOUD GLOBAL  
10 LIMITED & CO. KG; TIDAL MUSIC  
11 LLC; XANDRIE SA; LIVE NATION  
12 ENTERTAINMENT, INC.; TARGET  
13 CORP.; WAL-MART.COM USA, LLC;  
14 WALMART INC.; BARNES &  
15 NOBLE BOOKSELLERS, INC.;  
16 DISNEY PLATFORM  
17 DISTRIBUTION, INC.; and DOES 1-  
18 10, inclusive,

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Defendants.

**TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

**PLEASE TAKE NOTICE** that on January 13, 2025, at 10:00 a.m. or as soon thereafter as the matter may be heard in Courtroom 9C of the above-entitled Court located at 350 West 1st Street, Los Angeles, California, defendants Miley Cyrus, also sued as MCEO Publishing, Gregory Hein, also sued as Songs By Gregory Hein, Michael Pollack, also sued as What Key Do You Want It In Music, and MCEO, Inc. (the “Songwriter Defendants”), will and hereby do move the above-entitled Court, the Honorable Dean D. Pregerson, United States District Judge presiding, for an Order dismissing the Complaint of plaintiff Tempo Music Investments, LLC (“Plaintiff”) and the claim asserted therein, in its entirety, for failure to state a claim.

The Motion to dismiss is brought pursuant to Federal Rule of Civil Procedure 12(b)(6) and on the following grounds:

1. In its Complaint, Plaintiff asserts a single claim for the alleged infringement of the copyright in a musical composition titled *When I Was Your Man*;

2. Plaintiff bases its alleged standing to assert that claim on its Complaint’s allegation that Plaintiff acquired exclusive copyright rights by assignment from one of the four co-authors of that musical composition; and

3. It is clearly established law in this Circuit that an assignee or licensee of a single co-author, like Plaintiff here, does not own exclusive rights and, as a result, lacks standing to sue for copyright infringement. 17 U.S.C. § 501(b) (standing limited to “[t]he legal or beneficial owner of an exclusive right under a copyright”); *see, e.g., Tresóna Multimedia, LLC v. Burbank High Sch. Vocal Music Ass’n*, 953 F.3d 638, 645 (9th Cir. 2020).

Accordingly, Plaintiff’s Complaint is properly dismissed with prejudice and in its entirety.

1 This Motion is based upon this Notice of Motion and Motion, the  
2 accompanying Memorandum of Points and Authorities and Request for Judicial  
3 Notice and supporting Declaration, the pleadings and papers on file in this action, the  
4 matters of which this Court may take judicial notice, and such additional matters and  
5 oral argument as may be offered in support of the Motion.

6 This Motion is made following the conference of counsel pursuant to L.R. 7-3,  
7 on November 13, 2024.

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10 Dated: November 20, 2024

/s/ Peter Anderson

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Peter Anderson, Esq.  
Eric H. Lamm, Esq.  
Alexandra P. Cadena, Esq.  
DAVIS WRIGHT TREMAINE LLP  
Attorneys for Defendants  
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Publishing, GREGORY HEIN, also sued as  
Songs By Gregory Hein, MICHAEL  
POLLACK, also sued as What Key Do You  
Want It In Music, and MCEO, INC.