

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ABKCO MUSIC & RECORDS, INC.,
ABKCO MUSIC, INC., UMG
RECORDINGS, INC., UNIVERSAL -
SONGS OF POLYGRAM
INTERNATIONAL, INC., POLYGRAM
PUBLISHING, INC., SONGS OF
UNIVERSAL, INC., UNIVERSAL MUSIC
CORP., and CAPITOL RECORDS, LLC,

Plaintiffs,

-v.-

CODA PUBLISHING, LTD., ROBERT
KIRK CARRUTHERS, CLARE ANNE
GAMBOLD, and GWILYM MICHAEL
DAVIES,

Defendants.

19 Civ. 11892 (KPF)

ORDER

KATHERINE POLK FAILLA, District Judge:

For the reasons set forth in the Court's February 4, 2026 oral decision: Plaintiffs' motion to exclude the expert testimony of Michael Donaldson is GRANTED; Defendants' motion to exclude the expert testimony of Barry Massarsky is DENIED; Plaintiffs' motion for summary judgment is GRANTED in part as to all proffered works except "Higher Ground" as performed by the Red Hot Chili Peppers and as to all Defendants except Clare Gambold; Defendants' motion for summary judgment is DENIED in part except as to "Higher Ground" as performed by the Red Hot Chili Peppers; Plaintiffs' motion for permanent injunctive relief is GRANTED; Plaintiffs' motion for sanctions is GRANTED; Defendants' motion for attorneys' fees and costs under the Copyright Act is DENIED; Joshua Lawrence Ray's motion to withdraw as

counsel for Defendant Robert Kirk Carruthers is GRANTED. In addition, the Court finds willfulness under 17 U.S.C. § 504 on the part of Defendants Coda Publishing, Ltd., Robert Kirk Carruthers, and Gwilym Michael Davies.

Mr. Ray is directed to communicate his withdrawal and the Court's decision to Mr. Carruthers, as well as to inform Mr. Carruthers that he must obtain new counsel or indicate his decision to proceed *pro se* to the Court within 30 days, on or before **March 6, 2026**. The Court will direct the parties to discuss and propose next steps once the matter of Mr. Carruthers's representation is settled.

The Clerk of Court is directed to maintain the inappropriately filed letters by Mr. Carruthers at docket entries 252, 254, and 255 under seal, viewable to the Court and the parties only. The Clerk of Court is further directed to remove Mr. Ray as counsel for Mr. Carruthers from the docket. Finally, the Clerk of Court is directed to terminate the pending motions at docket entries 108, 124, 142, 145, and 249.

SO ORDERED.

Dated: February 4, 2026
New York, New York

A handwritten signature in blue ink, reading "Katherine Polk Faila".

KATHERINE POLK FAILLA
United States District Judge