



2004 Decisions

Opinions of the United
States Court of Appeals
for the Third Circuit

6-2-2004

Cottrill v. Spears

Precedential or Non-Precedential: Non-Precedential

Docket No. 03-2717

Follow this and additional works at: http://digitalcommons.law.villanova.edu/thirdcircuit_2004

Recommended Citation

"Cottrill v. Spears" (2004). *2004 Decisions*. 630.
http://digitalcommons.law.villanova.edu/thirdcircuit_2004/630

This decision is brought to you for free and open access by the Opinions of the United States Court of Appeals for the Third Circuit at Villanova University Charles Widger School of Law Digital Repository. It has been accepted for inclusion in 2004 Decisions by an authorized administrator of Villanova University Charles Widger School of Law Digital Repository. For more information, please contact Benjamin.Carlson@law.villanova.edu.

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 03-2717

MICHAEL COTTRILL;
LAWRENCE E. WNUKOWSKI,

Appellants

v.

BRITNEY SPEARS;
ZOMBA RECORDING CORPORATION,
ZOMBA ENTERPRISES, INC.,
ZOMBA SONGS, INC.;
JIVE RECORDS;
WRIGHT ENTERTAINMENT GROUP;
BMG MUSIC PUBLISHING, INC.

On Appeal from the United States District Court
for the Eastern District of Pennsylvania
(D.C. Civil No. 02-cv-03646)
District Judge: Honorable Berle M. Schiller

Before: BARRY, SMITH and GREENBERG, Circuit Judges.

ORDER

Appellant's petition for panel rehearing asserted that there was an error in footnote 2 of the not precedential opinion entered on January 30, 2004. After consideration of appellant's petition and the record, it is hereby

ORDERED that the January 30, 2004 Not Precedential Opinion is AMENDED.

The text of footnote 2 on page 3 of the January 30, 2004 Not Precedential Opinion shall be stricken and replaced with the following language:

Plaintiffs suggest in their brief that Kahn heard an earlier version of *What You See* when Cottrill played it on the piano prior to the lyrics being recorded. However, as the District Court explained, Cottrill testified in his deposition that the early versions have “nothing to technically do with” the copyrighted version at issue here. We agree with the District Court’s statement that “Plaintiff Cottrill admitted at his deposition that [the earlier] version was not the same as the song at issue in this action.” We, therefore, do not address the possibility of access to an earlier instrumental version.

By the Court:

/s/ D. Brooks Smith
Circuit Judge

Dated: 2 June 2004