

Eleven Years

Bob Dylan's Stealing of James Damiano's Songs

All Rights Reserved

TM

About something else
I might have lied
Something personal
I might deny
Another time
I might have tried
About something else
I might have lied
I have faith
I can do without
Be the fool
Find cause to doubt
If I didn't believe
I wouldn't try
To live the truth
I'd live a lie

Dignity

In the middle of midnight
She's coming around
I'm dressed in my best threads
Gonna take on this town
In the middle of midnight
I've got what it takes
To find out what the truth is
Make fools of all the fakes
In the middle of midnight
Her clothes caught my eye
I'd be willing to bet
I'd be willing to lie
In the middle of midnight
Could have sworn

I heard her cry

In the middle of midnight

This ain't no one last try

PREFACE

Bob Dylan fooled the world for decades claiming to have written many of the melodies to his hit songs when in fact most of the melodies were from preexisting songs that he did not write.

What Bob Dylan did and even admitted to in a April 04, 2004 interview with Robert Hilburn of the L.A. Times was to simply change the words to existing melodies then credited his name to the entire song. Dylan even admitted that he wrote 'Blowin' in the Wind' in 10 minutes by simply changing the words to the old spiritual song 'No More Auction Block'

This is the book that James Damiano's movie "Eleven Years" is based on Eleven Years cites by comparison Dylan's complicity in these blatant thefts

In an article written by Alexander T. Deley titled To Catch a Master Thief Mr. Deley writes;

Dylan is also no stranger to controversy regarding his work. An 11-year, still-unresolved lawsuit filed against him by songwriter James Damiano is particularly telling.

Damiano alleges that Dylan, quite ironically given the title, plagiarized the song “Dignity” from Damiano. Damiano had repeatedly met Dylan and submitted songs to Dylan’s parent label CBS.

This is especially telling as “Dignity” was Dylan’s only ‘hit’ record of the 1990s and seems quite different from much of Dylan’s earlier work or other work that he was producing during that period.

In an article titled Folk Lies Jonny Whiteside wrote:

Just type “Bob Dylan plagiarism” into your friendly search engine, and a plethora of questionable circumstances pop up, enrobing the singer almost as completely as his years of reflexive media fawning have. Documented from his teenage start, when he submitted a handwritten, thinly revised version of country star Hank Snow’s “Little Buddy” for publication as an original poem, to his 1963 pilferage of Irish poet Dominic Behan’s “Patriot Game”’s melody for the similarly slanted Dylan tune “With God on Our Side” to songwriter James Damiano’s ongoing multimillion dollar copyright infringement suit (alleging Dylan’s Grammy-nominated “Dignity” is nothing but an altered version of Damiano’s “Steel Guitars”) to the naked “Red Sails in the Sunset” melody heist for the song “Beyond The Horizon” on his Modern Times album, up through the recent Confessions of a Yakuza—Love & Theft plagiarism charges (Love & Theft? Calling Dr. Freud!), the Timrod controversy, even the numerous passages of Proust and Jack London that (re) appear in the text of Dylan’s autobiography, it’s a deep, dark thicket of thoroughly damning and apparently chronic bootlegging.

Naturally, Dylan has said nothing publicly about any of these, but he already spent over three million dollars defending himself against

one-time affiliate Damiano—the classic delay-to-destroy court room technique.

In published books and articles Bob Dylan has been accused of plagiarism over two hundred times in separate incidents.

Bob Dylan was awarded a “Gag order” on James Damiano’s plagiarism lawsuit against Dylan by Judge Rosen that has been in effect for over nineteen years.

The order designated all discovery materials confidential including fifty hours of incriminating videotaped depositions, expert analysis, and all correspondence between Dylan, Damiano and CBS.

Even though James has been threatened with incarceration by the court should he not comply with the confidentiality order James remained on the internet for the last nineteen years.

Irony

Bob Dylan was awarded the Presidential Medal of Freedom Award by President Obama.



The irony of Mr. Dylan accepting the Presidential Medal of Freedom Award by President Obama while utilizing a "Gag Order" on James Damiano that designated all discovery materials including expert testimony and videotaped depositions that implicate Dylan confidential is incomprehensible

On March 13th, 1995 The letter below was sent to James Damiano from Bob Dylan signed by his attorney Orin Snyder.

GIBSON DUNN

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March 13, 2015

VIA FEDERAL EXPRESS

James Damiano

115 Rt 46
Mine Hill NJ 07803

Re: Damiano v. Sony Music Entertainment, Inc., et. al.

Dear Mr. Damiano:

According to the enclosed February 6, 2015 Mount Olive Chronicle article, you have “created” a documentary film “to document [your] case” against Bob Dylan, which you plan to “screen . . . at an unspecified date at the Producer’s Club” in New York City. We write to put you on notice that to the extent this film contains confidential discovery materials, as we suspect it does, your screening, posting, sharing, or distributing in any way of this documentary will constitute a clear violation of the Protective Order. In addition, despite by posting on the internet confidential discovery materials, including videotaped deposition clips. See, e.g., <http://christinejustice.yolasite.com>; videos posted to youtube.com and dailymotion.com by users “virtuefilms1” and “Rockandroll.”

In the event that you continue to violate the Protective Order by screening, posting, sharing, or distributing in any way the above-referenced documentary and/or failing to remove all confidential discovery material from the above-referenced websites (and all other websites containing confidential discovery material), we will immediately file with the Court a motion for contempt, seeking all available relief, including but not limited to monetary sanctions. Pursuant to the terms of the enclosed Consent Order, dated January 11, 2008, you will be precluded from opposing any motion for contempt.

Please send by April 6, 2015 a signed certification that you have removed all confidential discovery material from the internet and will not screen, post, share, or distribute in any way any film containing confidential discovery material. If you fail to do so, we will immediately seek relief from the Court. Guide your conduct accordingly.

The foregoing does not constitute an exhaustive statement of the facts in this matter and the demands made herein shall not waive or prejudice any legal or equitable rights or remedies

GIBSON DUNN

James Damiano
March 13, 2015
Page 2

which our client may have in connection with the subject matter hereof, all of which are hereby expressly reserved.

Very truly yours,


Orin Snyder



Dylan caught red handed started plagiarizing at sixteen years old

Dylan "poem" on sale was actually Hank Snow song

NEW YORK | BY DANIEL TROTTA

A "poem" purportedly written by a teenage Bob Dylan and up for auction at Christie's is actually a song written by the late Canadian country singer Hank Snow, the auction house said on Wednesday.

Christie's announced on Tuesday the sale of the hand-written poem believed to have been written in 1957 when Dylan was 16 and away at Jewish camp.

But Christie's failed to detect that the words, with a few minor variations, matched those of a song previously recorded by Snow, who died in 1999 at age 85.

Reuters discovered the lyrics matched the Snow song when alerted by a reader. Reuters then informed the auction house.

"Additional information has come to our attention about the handwritten poem submitted by Bob Dylan to his camp newspaper, written when he was 16, entitled 'Little Buddy.' The words are in fact a revised version of lyrics of a Hank Snow song," Christie's said in a statement.



"This still remains among the earliest known handwritten lyrics of Bob Dylan and Christie's is pleased to offer them in our Pop Culture auction on June 23."

The manuscript had been expected to fetch \$10,000 to \$15,000.

Christie's said Dylan, still using his given name Robert Zimmerman, signed the piece Bobby Zimmerman and submitted it to the Herzl Camp newspaper. The editor of the paper kept it for more than 50 years and recently donated it to Herzl Camp, a Jewish camp in Wisconsin, Christie's said.

Written in blue ink on both sides of a single sheet of paper, it reads in part, "But I'll meet my precious buddy up in the sky/ By a tiny narrow grave/ Where the willows sadly wave." Those words and others match the Snow song.

The Hank Snow Country Music Center lists the "Little Buddy" lyrics and music as by Snow but does not provide a year. According to amazon.com, the song appeared on a compilation record "The Yodelling Ranger," a box set of songs from 1936 to 1947. The fan site rocky-52.net says it was released in November 1948 as a Y78 on RCA Victor.

Dylan's management office had no immediate comment.

Born Clarence Eugene Snow in Nova Scotia in 1914, Snow quit school at 12 to work as a cabin boy on fishing schooners, according to the website of The Hank Snow Country Music Center in Liverpool, Nova Scotia.

With that early income, he bought his first guitar and entertained crew and friends before getting his own radio show with a Halifax, Nova Scotia radio station in 1933.

There he changed his name to "Hank, The Yodelling Ranger" and played county fairs and local radio stations throughout Canada in the 30s and 40s.

Dylan, who was born Robert Allen Zimmerman in 1941, grew up in Minnesota and was known to be an eager young fan of many types of music including country. He went on to become a folk and rock legend and one of the greatest popular songwriters of all time.

(Additional reporting by Nick Olivari, editing by Alan Elsner)

Little Buddy

Brokenhearted and so sad
Big blue eyes all covered with tears
was a picture of sorrow to see

Kneeling close to the side
Of his pal and only pride
A little lad, these words he told to me

He was such a lovely doggy
and to me he was such fun
But today as we played by the way

a drunken man got mad at him
Because he barked in joy
He beat him and he's dying here today

Will you call the doctor please
and tell him if he comes right now
He'll save my precious doggy here he lay.

Then he left the bluffy head
But his little ~~doggy~~ dog was dead
Just a shiver and he slowly passed away

He didn't know his dog had died
So I told him as he cried
Come with me son we'll get that doctor right away

But when I returned
He had his little pal upon his knee
and the teardrops, they were blinding his big blue eyes

Bob Dylan's handwritten lyrics sold at Christie's

you're too late sir my doggy's dead
and no help can save him now
But I'll meet my precious buddy upon the sky
By a tiny narrow grave
Where the willows sadly wave
Are these words so clear you're sure to find
Little Buddy Rest In Peace
God Will Watch You Thru The Years
Cause I Told you In My Dreams That You
Were ~~mine~~ Mine

Bobby
 Zimmerman

Bob Dylan's handwritten lyrics sold at Christie's signed by Bob Dylan

Yet another plagiarism appeared on the internet

Robert Zimmerman 's "The Drunkard's Son" Handwritten Manuscript
August 14, 2018 ugur Bob Dylan

"The Drunkard's Son" was re-released in April 1950 on the RCA Victor label, and is very probably another 78 that Bobby Zimmerman owned. Manuscript written by "Bobby Zimmerman" supposedly inspired by a Jimmie Rodgers' song MY DRUNKARD'S CHILD, Bob's earliest known composition. Lyrics from the song are quoted in Clinton Heylin's book "Bob Dylan Behind The Shades: The Biography Take Two" (Viking, 2000/Penguin, 2001).

In an old dusty attic
In a little house, I happened to wander one day
And there in the rafters, mid shavings and chips
A drunkard's poor little boy lay
Oh why are you lying up there in the cold
You look like you've never been fed
My father's a drunkard, and he beat me today
My darling old mother is dead
I'm hiding from father and please sir, don't tell
He beat me 'cause I would not steal
He said he would kill me the next time I failed
And I'm so afraid sir, he will.
I'm leaving you here son I sadly replied
But I will be back right away
But when I returned to the attic I found
The Drunkard's
Son (continued)
The chips and the shaving were there as before
The little boy lie on his bed
With tears on his face and his hands at his side

The poor little fellow was dead
A picture of mother lay close to his heart
A faint little note by his head
As I opened [sic] the pages, my eyes filled with tears
tv For these were the words that it said
I'm hiding with Jesus who I'll always be by
And my mother who I love, oh so well
And thank you dear mister for your kindness and **** [ILLEGIBLE]
And now it's alright if you tell

Bobby
Zimmerman

Dylan's transcription of "The Drunkard's Son" appeared in the August-September, 1992 edition of ISIS, which dated the manuscript circa 1952-'55, making the young Bob Zimmerman somewhere between 11 and 14.

After the manuscript was published, someone eventually pointed out that the young Zimmerman's "Drunkard's Son," was actually Hank Snow's "Drunkard's Son," almost exactly paralleling the "Little Buddy" story. In 1993 the Dylan fanzine Isis had published the text of a 'poem', written in Bob Zimmerman's own hand, the original of which had been posted by an unnamed hand to the fanzine's editor, Derek Barker.

This 'poem' was a mournful tale narrated as if by a scared boy in hiding to avoid being beaten by his drunkard father. Five issues later, reader John Roberts wrote in to say that he had found an album on the cheap RCA Camden label, dated 1962, titled The One and Only Hank Snow, and risked wasting his 75p on this unknown music because of its inclusion of a song, credited to Hank Snow's original name, Clarence E. Snow, titled 'The Drunkard's Son' and handily summarised in the sleeve

notes as 'the mournful tale of a scared boy in hiding to avoid being beaten by his drunkard father.' Yes indeed.

As Roberts nicely observes, if the 'Zimmerman Transcript' is authentic, which now seems established, it is a 'truly unique document—the first evidence we have of Bob's plagiarism!'

Dylan mentions this in Chronicles Volume One—and a few pages later writes that before he encountered Woody Guthrie, when Hank Williams had been his 'favorite songwriter', Hank Snow had been 'a close second'.

Introduction

<http://dai.ly/x5moifi>

James Damiano pursuant to 28 U.S.C. Sec. 1746, declares under penalty of perjury that:

1979

Years ago I read an unauthorized biography about Bob Dylan, in which the author made reference to a man who at one time was considered to

be the president of CBS Records. His name was John Hammond, Sr. He was family to the Vanderbilts, Attended Yale law school, the most sought after record producer in the United States, and had signed Pete Seeger to Columbia Records 1960.



In fact John Hammond Sr. was and probably will always be considered the most influential music executive in the world by music industry professionals.

After years of working in the music industry, Mr. Hammond established himself as a legend and accomplished a reputation as having the best ears in the business by signing a fascinating number of legendary artists to the record world.

Artists like Billie Holiday, Count Basie, Charlie Christian, Duke Ellington, Aretha Franklin, George Benson, Bob Dylan, Bruce Springsteen along

with many other artists including Stevie Ray Vaughan were John Hammond affiliates.

Inspired by the book I read, I decided to take a long shot and called CBS Records on the phone. The operator answered and I asked to be put through to John Hammond's office. The receptionist rang his office and Mikie Harris answered the phone.



I told Mikie that I was a lyricist and asked her if she had a few seconds to listen to one lyric. She replied yes by saying "Shoot." I then recited a lyric to her that I had recently written and said "the lyric is, Just think how beautiful you'd feel if you knew your love was real"

Within a few seconds I could tell Mikie liked the lyric.

I in turn didn't want to push too hard on the first phone call fearing that I might put her behind schedule, so I tried to inch my way out of the conversation politely while trying not to show my emotions but before the conversation ended between Mikie and I, she made it explicit that she wanted me to call again.

She repeatedly told me to feel free to call her there at the office. So began a relationship where we would converse through actual meetings or correspond over the phone, that lasted close to seven and a half years.

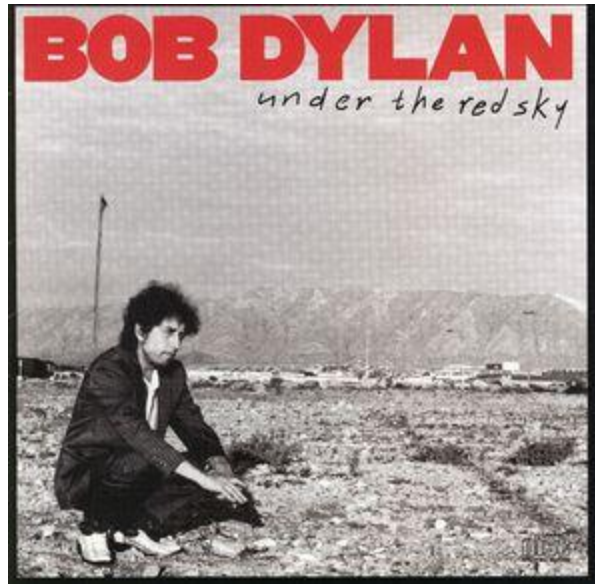
Mikie told me that her name would be appearing in the credits on Stevie Ray Vaughan's album that was released in 1983. When the album was released it listed John Hammond Sr. As Executive producer and Mikie Harris as Production Assistant.



Stevie Ray Vaughan later recorded on Bob Dylan's "Under the Red Sky" album, released in 1990. Enter back side credits

**Honest about
The lies he tells
Lies about
The religion**

He sells



1982

I (James Damiano) registered my first copyright with the Library of Congress in Washington DC. In 1982. The library registration number is PAU 409-107, Titled Collective songs by James Damiano.

The computer print out of the registration describes the registration as lyric sheets and one Cassette tape.

Type of Work:Music
Registration Number / Date:PAu000409107 / 1982-05-03
Title:Collective songs by James Damiano : words and music.
Description:1 sound cassette + lyrics.
Copyright Claimant:James Nicholas Damiano
Date of Creation:1982
Authorship on Application:words & music: James Nicholas Damiano.
Copyright Note:C.O. correspondence.
Names:Damiano, James Nicholas, 1951-

This tape included Dylan's 1994 hit song "Dignity" { Lyrical hook and melody line }

In 1994 Bob Dylan released a song titled "Dignity" who he claims to have independently written. Dylan's copyright produced in this litigation by his attorney's states that Dylan's first registration made to the Library of Congress was December 5th, 1991.

CERTIFICATE OF COPYRIGHT REGISTRATION



This certificate, issued under the provisions of the Copyright Act of 1909, in accordance with the provisions of section 4106B) of title 17, United States Code, attests that copyright registration has been made for the work identified below. The information in this certificate has been made a part of the Copyright Office records.

REGISTER OF COPYRIGHTS
United States of America

FORM PA UNITED STATES COPYRIGHT OFFICE

REGISTRATION NUMBER

PAU 1-103-381

EFFECTIVE DATE OF REGISTRATION

5 18 88

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONFIRMATION SHEET.

1

TITLE OF THIS WORK

Another Justification "Another Justification"

PREVIOUS OR ALTERNATIVE TITLES

His Common Name / Dignity in New York City

NATURE OF THIS WORK

2

NAME OF AUTHOR

JAMES NICHOLAS DAMIANO

DATE OF BIRTH AND DEATH

Year Born Year Died

Was this contribution to the work a

"work made for hire"

Yes No

AUTHOR'S NATIONALITY OR DOMICILE

Country of Birth Country of Residence

OR Resided in

WAS THIS AUTHOR'S CONTRIBUTION TO

THE WORK

Unpublished Yes No If the answer is "yes" the answer to item 3 is "yes" and the answer to item 4 is "yes" or "no" as indicated.

Published Yes No

NOTE
Under the law
the author of a
work is the
owner of the
copyright.

NATURE OF AUTHORSHIP

Describe the nature of the material created by the author in which copyright is claimed.

WORDS AND MUSIC

NAME OF AUTHOR

N/A

DATE OF BIRTH AND DEATH

Year Born Year Died

Was this contribution to the work a

"work made for hire"

Yes No

AUTHOR'S NATIONALITY OR DOMICILE

Country of Birth Country of Residence

OR Resided in

WAS THIS AUTHOR'S CONTRIBUTION TO

THE WORK

Unpublished Yes No If the answer is "yes" the answer to item 3 is "yes" and the answer to item 4 is "yes" or "no" as indicated.

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NAME OF AUTHOR

N/A

DATE OF BIRTH AND DEATH

Year Born Year Died

Was this contribution to the work a

"work made for hire"

Yes No

AUTHOR'S NATIONALITY OR DOMICILE

Country of Birth Country of Residence

OR Resided in

WAS THIS AUTHOR'S CONTRIBUTION TO

THE WORK

Unpublished Yes No If the answer is "yes" the answer to item 3 is "yes" and the answer to item 4 is "yes" or "no" as indicated.

Published Yes No

NATURE OF AUTHORSHIP

Describe the nature of the material created by the author in which copyright is claimed.

3

YEAR IN WHICH CREATION OF THIS

WORK WAS COMPLETED

1988

DATE AND PLACE OF FIRST PUBLICATION OF THIS PARTICULAR WORK

Country and City State and Country

Year of First Publication

COPYRIGHT CLAIMANT'S Name and address must be given even if the claimant is the author as the author gives in space 1.7

JAMES NICHOLAS DAMIANO

1000 Broadway New York, NY 10003

TELEPHONE () the claimant () record here in space 1 and different from the author's listed in space 2, give a brief summary of how the claimant obtained ownership of the copyright

1-212-677-1000

APPLICATION RECEIVED

MAY 18 1988

DATE OF FIRST PUBLICATION

MAY 18 1988

DATE OF DEPOSIT RECEIVED

MAY 18 1988

DATE OF DEPOSIT RECEIVED

MAY 18 1988

James Damiano copyright registration 1988

Dignity was nominated for a Grammy by the National Academy of Popular Music.. It was Dylan's first single to be nominated for a Grammy. (Best Rock Song Category)

Bob Dylan's first copyright registration to the Library of Congress was 12/5/1991

CERTIFICATE OF COPYRIGHT REGISTRATION

UNITED STATES COPYRIGHT OFFICE
LIBRARY OF CONGRESS

This certificate, issued under the seal of the Copyright Office in accordance with the provisions of section 410(a) of title 17, United States Code, attests that copyright registration has been made for the work identified below. The information in this certificate has been made a part of the Copyright Office records.

REGISTER OF COPYRIGHTS
United States of America

FORM PA
REGISTRATION NUMBER
PAU 1 584 627

EFFECTIVE DATE OF REGISTRATION
12 5 91

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

TITLE OF THIS WORK
DIGNITY

PREVIOUS OR ALTERNATIVE TITLES

NATURE OF THIS WORK
WORDS & MUSIC

NAME OF AUTHOR
ROBERT DYLAN p.k.a. BOB DYLAN

DATES OF BIRTH AND DEATH
1941

Has this contribution to the work a "work made for hire"?
☐ Yes
☒ No

AUTHOR'S NATIONALITY OR DOMICILE
Citizen of U.S.
Domiciled in U.S.

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK
Anonymous? ☐ Yes ☒ No
Pseudonymous? ☐ Yes ☒ No

NATURE OF AUTHORSHIP
words & music

NAME OF AUTHOR

DATES OF BIRTH AND DEATH

Has this contribution to the work a "work made for hire"?
☐ Yes
☒ No

AUTHOR'S NATIONALITY OR DOMICILE
Citizen of
Domiciled in

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK
Anonymous? ☐ Yes ☒ No
Pseudonymous? ☐ Yes ☒ No

NATURE OF AUTHORSHIP
Briefly describe nature of the material created by this author in which copyright is claimed.

NAME OF AUTHOR

DATES OF BIRTH AND DEATH

Has this contribution to the work a "work made for hire"?
☐ Yes
☒ No

AUTHOR'S NATIONALITY OR DOMICILE
Citizen of
Domiciled in

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK
Anonymous? ☐ Yes ☒ No
Pseudonymous? ☐ Yes ☒ No

NATURE OF AUTHORSHIP
Briefly describe nature of the material created by this author in which copyright is claimed.

3 a YEAR IN WHICH CREATION OF THIS WORK WAS COMPLETED
1989

b DATE AND NATION OF FIRST PUBLICATION OF THIS PARTICULAR WORK
Complete the information: Month Day Year
Day Month Year

4 COPYRIGHT CLAIMANT'S Name and address must be given even if the claimant is the same as the author given in space 1.
Bob Dylan d.b.a. Special Rider Music
Cooper Station
New York, New York 10276

TRANSFER If the claimant named here in space 1 is different from the author(s) named in space 1, give a brief statement of how the claimant obtained ownership of the copyright.

APPLICATION RECEIVED
SEP 25 1991
FBI DEPT RECEIVED
SEP 25 1991
FBI DEPT RECEIVED

000094

Bob Dylan's copyright registration 12/5/1991

Since the beginning of my involvement with Mikie Harris, I had been sending her tapes that I recorded at home on my cassette deck. After about a year and a half of talking on the phone, sending lyric sheets of my songs to Mikie as well as bringing cassettes with my music up to her at CBS Records, Mikie asked me if I would like to audition for Mr. Hammond.

None of my songs at that time had been recorded in a professional recording studio. I accepted the invitation to audition for Mr. Hammond and Mikie told me that she would call me back in a week to set up the time and place.

A week later Mikie called and told me that she had set up the audition for three months from that date. The audition would be at Mr. Hammond's office in the Media Sound Building in New York on West 57th Street at Eleven O'clock in the Morning. I started practicing fifteen hours a day seven days a week. The three months seemed like forever.

The morning of the audition Mikie called me and told me that she would have to cancel the audition. I told her that I couldn't believe what she was telling me.

She knew I quit my job three months prior, to practice for the audition. Finally after while she told me that she wanted to keep it out of the news and that Mr. Hammond was in the hospital. She then assured me that once Mr. Hammond was out of the hospital she would reschedule the audition.

A few months later Mikie called and rescheduled the audition for a few months from that date. I was excited and called a person who I was working with at the time named Allen LeWinter.



Allen Lewinter

Allen worked with Don Kirshner and was associated with the band Kansas.



Don Kirshner

Allen also also worked with some other big name bands including the Rolling Stones.



Allen with the Rolling Stones

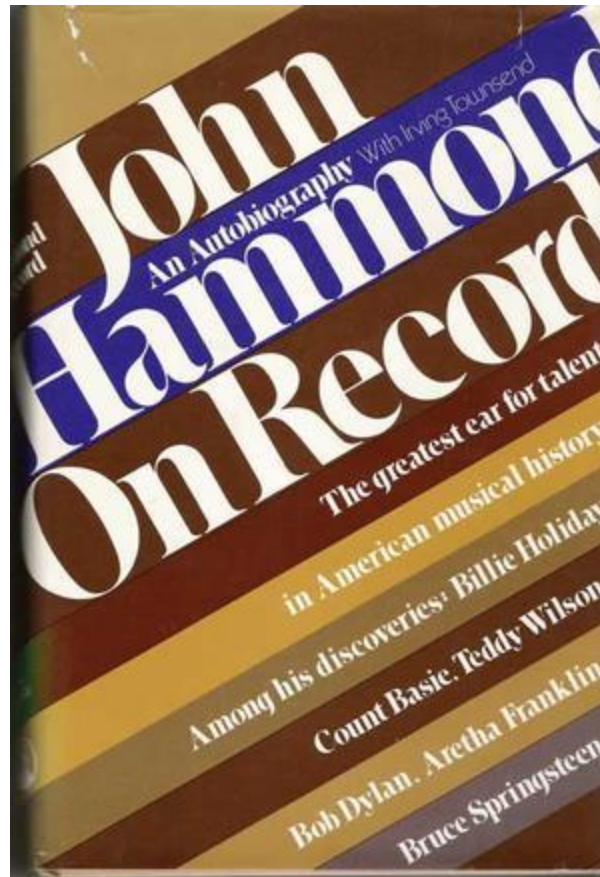
Allen and his wife were living in a beautiful high rise condo on the East side with a spectacular view from their balcony. It was exciting to see the Kansas gold albums hanging on the wall.

Allen was a cool guy, well mannered, polite, modest, just your all around classy person. Kind of an artistic guy whose greatest attribute was his sincerity.

It seemed Allen's job was to seek out talent in the suburbs. Everything else goes without saying. Allen respected Mr. Hammond immensely and was looking forward to going to the audition with me.

When I told Allen that the audition was back on we made arrangements for me to pick him up at his condo the morning of the audition.

Again I started practicing and practicing fourteen hours a day when Mikie sent me a book titled "John Hammond on Record." I was all practiced out, I couldn't practice anymore, so I read the book.



The book made me very nervous. It identified Mr. Hammond as the most influential music executive in the world. Mr. Hammond's magnanimous character was beyond exhilarating in a world so battered with hate and ignorance that the audition would become a vehicle for me to simply be around one of the greatest humanitarians the world has ever known.

The days counted down to three nights before the audition and I couldn't sleep. The following night I still couldn't sleep, till finally the night before.

It was twelve midnight and I laid in bed trying to fall asleep. It seemed impossible, my adrenalin wouldn't stop pumping.

One A.M. rolled around, I was still wide awake and hadn't slept in a couple days. Around two thirty I went downstairs, grabbed a bottle of tequila and drank the entire bottle. I finally fell asleep at around two thirty.

The audition was for eleven o'clock in the morning. I woke at seven, jumped in my fiat spider flew up to New York, picked up Allen on the East side and we drove crosstown to the audition. I parked the car, I grabbed my guitar and we started walking to Mr. Hammond's office on 57th street.

Suddenly I started feeling ill and I keeled over with my guitar case still in my hand, unable to take another step. I was exhausted and seriously dehydrated.

Allen quickly started trying to help me pull myself together with words of encouragement, saying "You can do this, You can do this, pull yourself together, you can do this" while I was thinking he must be crazy, he doesn't understand how sick I feel.

I only had two alternatives: quit and go home or go to the audition. If it wasn't for the look on Allen's face when I collapsed I would probably never have found the strength to go on.

Allen's reaction was hilarious. He wanted to meet Mr. Hammond so bad that when I saw the expression on Allen's face I started laughing inside and that feeling provided the strength that bypassed my physiologically impaired state that was coming between me and doing this audition. I stood up and started walking.

We entered the building and the receptionist called up to Mikie to tell her we were there, she hung up the phone and told us that Mikie said for us to go up.

When we got to the office, Mikie was waiting and quickly asked me if I'd like to tune my guitar. I said "sure" and she brought me down into a recording studio where she pointed to a piano and said "You can tune your guitar to this piano, it's the piano that Billy Joel recorded Piano Man on.



My first reaction to Mikie's statement was now that's a dose of reality not too many musicians could swallow and with that thought I had to wonder what she expected from me. My second reaction was that's inspirational.

I started tuning the guitar, when all of a sudden a string broke. I put down the guitar and said to Allen I'll be right back. I jumped up, ran down the stairs, stopped at the receptionist and asked her to get me some packets of salt, I ran a couple blocks down to the car and asked the valet where my car was. He pointed me to it, I ran down, opened the trunk of my fiat spider and grabbed a case that had guitar strings in it.

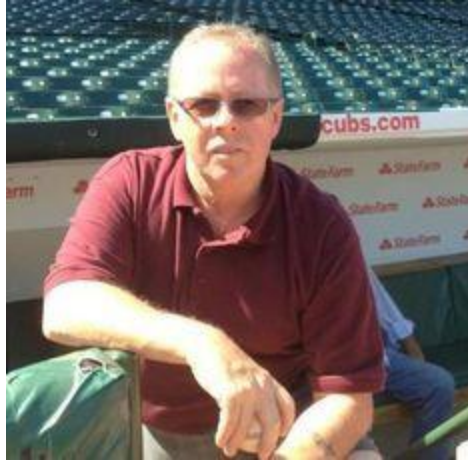


Very similar car to my Fiat Spider that I drove to the audition my car was also white

I ran back to the building , and as I ran past the receptionist she handed me the salt, I ran back up the stairs, put on the string, tuned the guitar, licked some salt and followed Mikie back up to Mr. Hammond's office .

Mikie told Allen and me to have a seat and that Mr. Hammond would be in a couple minutes. We waited a few minutes, then Mr. Hammond walked in. Mikie introduced us. We all shook hands, Mr. Hammond sat down at his desk and started out the conversation with a comment about Bruce Springsteen.

Mr. Hammond knew I went to school with Bruce in Freehold New Jersey. I sat next to him in History and English. In fact I was good friends with Bruce's sister Ginny and his brother in law Mickey Shave who Bruce wrote "The River" about.



Mickey Shave

Mickey and Ginny lived in Lakewood NJ about a mile away from my parents so whenever I went home to see my parents I would go visit with Mickey and Ginny.

Mickey told me that one day Bruce called him and told him and Ginny to get ready and that he was sending a car to pick them up. The car brought them to the Meadowlands Arena where Bruce was playing.

He sat them down with Jackson Browne and went to the stage. Bruce left for a while as they waited .

Then after a while Bruce came out with a harmonica in his hand and said to the audience "This is a new song I wrote about my brother in law and sister. It's called "The River" It was the first time Bruce ever played the song in concert.

The River
Bruce Springsteen
Columbia

When Bruce Springsteen penned The River, the title song of his fifth album, in the late 1970s, many in the US were struggling with recession. The Boss has always been a master of tapping into the zeitgeist of the common people, the working class, and he succeeded with this slow ballad about the trials and tribulations of trying to achieve the American dream.

It is a song about the loss of innocence and false hope, and is accompanied by a mournful harmonica. For years it was the centerpiece of his show, usually preceded by an intense, personal story - sometimes about the fights he had with his father growing up, sometimes touching on the Vietnam war and sometimes about the young couple in the song. While most people in his songs are fictional, for this he drew on the story of a couple close to home: his sister, Ginny, and her boyfriend, Mickey Shave.

The River debuted at the No Nukes concert in late 1979, soon after he'd recorded it. Sister Ginny was in the crowd, but she didn't know her brother had written about her relationship until that evening. She told Springsteen biographer Peter Ames Carlin that hearing him sing about her shotgun marriage left her feeling "completely exposed"; later it became her favorite song.

Back to the audition:

Mr. Hammond and I talked about Bruce for a while when Mr. Hammond asked to hear one of my songs. I played four songs for Mr. Hammond. One of which was titled "Living Proof."

Mr. Hammond also read a song of mine that when I handed it to him I explained that I had written the song on an electric guitar and that since I only had an acoustic guitar with me, that I'd rather not try to play it. Mr. Hammond politely understood and said that he would like to hear it with music after it was recorded.



1972 Epiphone is what I used to audition for Mr. Hammond

The song Mr. Hammond read is displayed below:

I've got a plush A frame overlooking the Ocean,
with a fireplace to keep us warm when it's cold

Cathedral ceilings for romantic evenings
And lights that turn down low
In the garage there's a brand new
silver blue Porsche
It's a 911- E
And all these luxuries
Can be yours for a while honey
If you just say yes to me.
Just say yes to me honey
Just say yes to me
Just say yes to me honey
And give up your dignity
I like playing golf racquetball and tennis
And I bet on all the sports
And I'm part owner of a nice little cottage
Lodged up at a ski resort
My boats docked down at little creek marina
I just got a set of new sail
On warm summer nights we'll sail out on the bay
And watch falling stars make trails
It's a good life when the money's right
You can satisfy your curiosity
And all you have to do honey
Is just say yes to me
Just say yes to me honey
Just say yes to me
Just say yes to me honey
And give up your integrity
My bank accounts bigger
Than the houses I own
Bigger than all three
Live in maids clean all day
To give us more time to be free

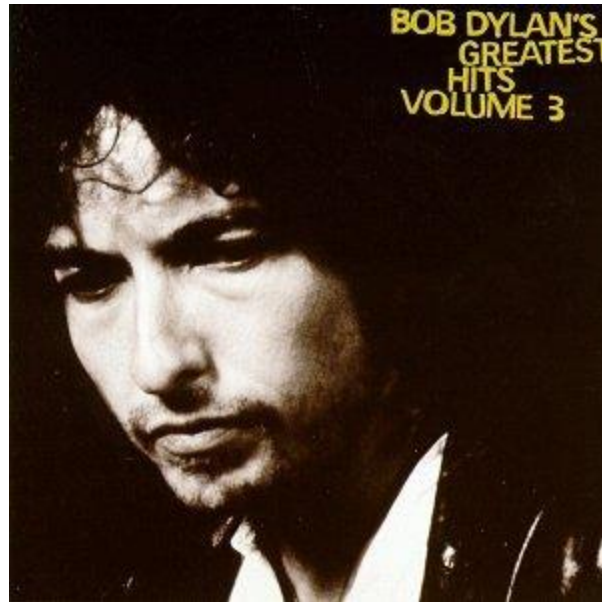
Well go out every night
Where you can show off all your
New clothes and expensive jewelry
And all you have to do honey is
Just say yes to me
Just say yes to me honey
Just say yes to me
Just say yes to me honey
And give up your dignity

As soon as Mr Hammond read the song he asked me in an alarming tone of voice "You're a college graduate?" I replied "no I'm not" and he showed a sigh of relief.

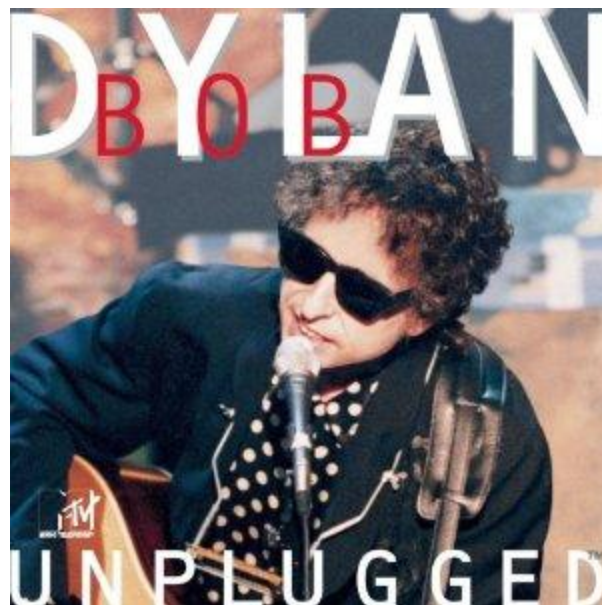
I knew that Mr. Hammond would never have worked with a schooled artist, Hammond only worked with raw talent so after Mr. Hammond asked me that, I knew I would be seeing him again. I knew I was in.

The song that Mr. Hammond read at the audition was untitled at the time but identified with two separate names. One of the identification of this song was "Just say yes to me" the second was "Dignity". I copyrighted this song with the Library of Congress in 1982.

Twelve years later Bob Dylan was nominated for a Grammy for a song titled "Dignity" released on his 1994 Bob Dylan's Greatest Hits album and also on his MTV Bob Dylan Unplugged album.



Dignity was Dylan's first song ever to be nominated for a Grammy.
I remember the expression of Mikie's face the first time I played it for her.



The relationship between Mr. Hammond, CBS Records, Mikie, Tony Tiller and I lasted for ten years and eleven months.

1982

In 1982 Mikie sent me a Christmas card stating ;

Dear Jim,

"Wishing you a splendid Christmas and a most prosperous New Year."

(signed) - Love Mikie, Randy, Duke and Nikkie too. December 1982.

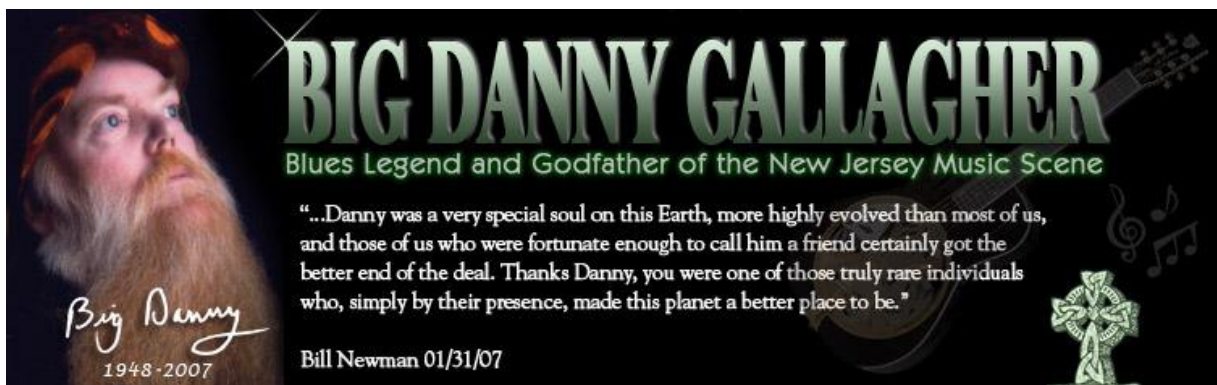


Mikie invited me to stay at her home for weeks at a time where I wrote and experimented with songs on her baby grand piano. She would ultimately critique the songs.

Mikie Harris is on the National Academy of Popular Music / Songwriters Hall of Fame - Board of Director's

Board Members and Trustees at our Awards Dinner included (standing from left) Michael Kerker, Linda Lorence, Ervin Drake, Cy Leslie, Jay Morgenstern, Bobby Weinstein, Karen Sherry, Mike Stoller, Randy Poe, Jim Lowe, Oscar Brand, Margaret Whiting, and Buddy Robbins; (seated from left) Burt Korall, Irv Lichtman, Al Feilich, 1996 SHOF Awards Dinner hostess/vocalist Maureen McGovern, Frank Military, Cy Coleman, Jules Goldberg, Anna Sosenko, and Irwin Z. Robinson. Board members not pictured: Martin Bandier, Mike Berniker, Jay Coleman, Milt Gabler, Sonny Golden, Mikie Harris, Clyde Otis, Phil Ramone, Larry Richmond, and George David Weiss. Listing of the Board of Directors and their Biographies

Big Danny Gallagher



1986

I (James Damiano) met Danny Gallagher in 1986. Danny was in one of Bruce Springsteen's first original bands "Doctor Zoom and the Sonic Boom". Rumor has it that Springsteen was sleeping on Danny's couch when he got signed to CBS Records. Nevertheless Danny and Springsteen remained good friends until Danny's passing in 2007.

Danny was an ethical soul who adhered to the truth. In other words the truth meant something to Danny. Of course being involved in a lawsuit with Bob Dylan is unusual. One can only imagine what it would be like to ask someone to testify against Dylan. I was in that situation with Danny. I had to ask Danny to sign a declaration stating that he played the dobro guitar track on "Steal Guitars" in 1986 even though it was copyrighted with the Library of Congress twice.

Judge Simandle wanted all the proof he could get that substantiated the fact that I wrote the melody line.

Of course Springsteen who inducted Bob Dylan into the Rock and Roll Hall of Fame would not want to see me prevail in the lawsuit for obvious reasons. He and Dylan are both signed to CBS / Sony their Record label.

When I asked Danny if he would be willing to tell the truth he didn't even flinch and said to me "Of course I would, the truth is something you don't want to lie about"



Big Danny Gallagher with Bruce Springsteen in Ireland

Danny was a great steel guitar player. I asked Danny if he would put a steel guitar track on "Steal Guitars" (also identified as "Dignity" on James Damiano's 1982 copyright registration) and he agreed to do so.

He also told me he that had a friend named Mario who played a great electric guitar and who did some touring with members of the New Riders of the Purple Sage.

Danny set up the recording session at Mario's home in Tinton Falls, We ran a long extension cord out in a field for the amplifiers and recorded the

song "Steal Guitars." (also identified as "Dignity" on James Damiano's 1982 copyright registration)

The Declaration of Danny Gallagher

Danny Gallagher a musician who recorded the dobro guitar track on James Damiano's song "Steel Guitars" (also identified as "Dignity" on James Damiano's 1982 copyright registration) declares under penalty of perjury that:

I am a musician and I play the dobro guitar. I reside at -- _____ Terrace _____ Ireland. I recorded songs with James Damiano in the year 1986. I Danny Gallagher declare that in 1986 I played and recorded the dobro guitar track on James Damiano's song " Guitars" (also identified as "Dignity" on James Damiano's 1982 copyright registration) The song I am referring to in statement #5 of this declaration is the same song that is playing in the background of this taped statement or declaration. A week after James Damiano and I recorded the song "Steel Guitars" (also identified as "Dignity" on James Damiano's 1982 copyright registration)

Mr. Damiano told me that he went to New York to submit a copy of it to Mikie Harris at CBS.

Declaration of Mario Phillipps

Mario Phillips a musician who recorded the electric guitar track on "Steel Guitars" aka (also identified as "Dignity" on James Damiano's 1982 copyright registration) during the same recording session with Danny Gallagher and James Damiano declares under penalty of perjury that:

My full Name is Gregory S. Phillipps (aka. Mario) I was born in _____Washington. I reside at _____Washington In the year 1986 I played and recorded on an instrumental song of James Damiano's. Said song in #4 was recorded at the address I was living at in New Jersey Danny Gallagher also played the dobro guitar on this song The song I am referring to was played to me on the phone by James Damiano. I recognized the song as the song James, Danny and I recorded in 1986.

For seven and a half years I recorded songs at home in my home recording studio and sent them to Mikie Harris the next day via mail. On June 6th 1987 I received a letter from her where just about every statement in the letter was deceptive.

June 6th 1987

Mikie On June 6th 1987 wrote a letter to me stating ;

Dear Jim:

Thanks for 'sharing' your lyrics / poetry with me. To me, your work represents a lot of time and effort but, from an artistic point of view, I feel that it is representative of poetry rather than a song in today's commercial market of music.

Since no tape accompanied the words, I have no way of knowing what your ideas are with regard to the music.

I just wish that there was some way for me to be of help to you, but with things the way they are, especially regarding Mr. Hammond's health, my hands are tied.

Our office has (at least since I've been associated with John) been actively involved with publishing, which is something I suggested you try to your material several years ago.

I still maintain that this is the best route for you. Publishers can reach major artists and guide you with regard to your material.

On the basis of the material you have just now presented to me, I think it might stand a stronger chance of being recognized as a volume of straight poetry rather than songs.

Because of Mr. Hammond's policy with regard to his relationships with the artists he has worked with I will not be able to present your material to Bob Dylan.

Jim I wish you the best (but surely you know this by now after all these years and I'm only sorry our office can't be of any assistance to you.

Take care

Mikie

Mikie Harris June 6th 1987 letter to James Damiano



MIKIE HARRIS

6/15/87



MIKIE HARRIS

page 2

Dear Jim:

Thanks for 'sharing' your lyrics/poetry with me. To me, your work represents a lot of time and effort. But, from an artistic point of view, I feel that it is representative of poetry rather than lyrics for a song in today's commercial market of music. Since no tape accompanied the words, I have no way of knowing what your ideas are with regard to the music. I just wish that there was some way for me to be of help to you...but with things the way they are, especially regarding Mr. Hammond's health, my hands are tied. Our office never has (at least since I've been associated with John) been actively involved with publishing, which is something I suggested you try with regard to your material several years ago. I still maintain that this is the best route for you. Publishers can reach major artists and guide you with regard to your material.

On the basis of the material that you have just now presented to me, I think it might stand a stronger chance of being recognized as a volume of straight poetry rather than songs.

Because of Mr. Hammond's policy with regard to his relationships with the artists he worked with, I will not be able to present your material to Bob Dylan.

Jim, I wish you the very best (but surely you know this by now after all these years) and I'm only sorry that our office can't be of assistance to you.

Take care,

Mikie

This is the letter I received after Mikie took my songs for seven and a half years.

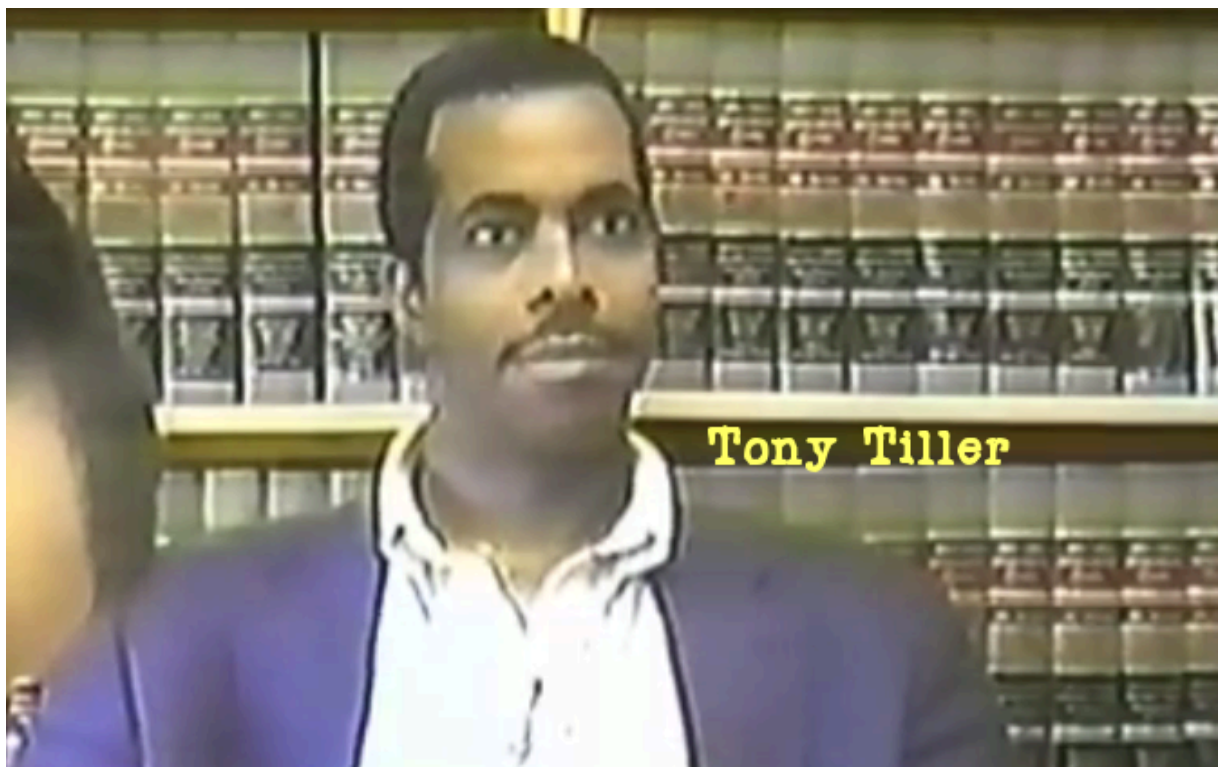
{Mikie Harris was deferred from being deposed due to health issues}

Plaintiff contends that many statements in Ms. Harris's letter are one hundred percent false and purposely misleading.

For seven and a half years I recorded songs at home in my home recording studio and sent them to her the next day via mail. So mikie's

first statement “Since no tape accompanied the words” is purposely misleading.

When I (James Damiano) received the June 15th, 1987 letter from Mikie Harris stating that she could not be of assistance to me, I called her at CBS and asked to speak to her. A man answered the phone and told me that Mikie was at the hospital with Mr. Hammond. His name was Tony Tiller and he said that he was watching over the office while Mikie was out.



Tony Tiller

Mr. Tiller then asked me if I was the person who wrote the material on Mr. Hammond' s desk. I asked him what material he was referring to and he

replied to the songs in the big black notebook. I replied yes and we started to converse about the songs.

He told me that he liked them and invited me up to CBS to meet with him. Tony showed a great deal of enthusiasm for my material. We started meeting or corresponding over the phone as Mikie and I had and Anthony started inviting me to parties in New York that other CBS people would attend.

Scott Patterson



Scott Patterson

Scott Patterson was a studio sound engineer that worked on my song "My Cousin JoAnne" Scott Patterson's partner was Phil Pfisterer who

was the primary sound engineer on my recording sessions at Broccoli Rabe Studios in Fairfield NJ.



Phil Pfisterer

While mixing the vocal track for “My Cousin JoAnne” I noticed that we had been in the studio for over a grueling eighteen hours and still had not been successful.

I asked Phil what the hell’s going on? He replied “They told me not to give it to you” I said “Who told you not to give it to me” He said “Brian told me not to give you a mix with the vocal track”

Brian was Brian Draigo the owner of Broccoli Rabe Studio.

I said to Phil “But the project is paid for in full” Brian replied “I don’t know what’s going on but Brian told me not to give it to you”. So I said to Phil ok I’m going to a party at CBS this weekend and if you give me a mix with the vocals I’ll take you to the party.

Phil agreed and within ten minutes he was finished with the vocal track mix of My Cousin Joann and Another Justification and if I don’t say so myself they were rockin.

You can listen to My Cousin JoAnne @ the link below you have to click on the link drop the cursor down and click again

<https://soundcloud.com/james-damiano-1/my-cousin-joanne-james-damiano>

After the party Phil and Scott both started working with CBS. So they not only stole my music but they also stole my sound engineers.

I could see why. Phil was the best sound engineer around.

If I had made it in the business he surely would have had a permanent position with me.



Scott Patterson

Scott Patterson testified in a videotape deposition

- 2 A. He never -- it was kind of like in
- 3 the beginning he had things to talk to me about
- 4 and then he came to the store and I think he made
- 5 the connection because I knew Tony and I also had
- 6 met Mikie Harris through Tony Tiller and I knew a
- 7 lot of those people.

Patterson Deposition

15 Q. Now, Mr. Patterson, when did you
16 first meet the plaintiff in this action, James
17 Damiano?

18 A. I guess it would be around '88. I'm
19 not sure of the date. I had met Jim at
20 Broccoli-Rabe Studios when he was recording there
21 and I worked on a couple of his sessions. That is
22 my extent of meeting Jim until last year when he
23 came up to my store.

24 Q. And you were working at Broccoli-Rabe
25 Studios in 1988?

24

1 Patterson

2 A. Right. I did assistant engineering
3 on and off there.

4 Q. Was that a formal position, assistant

5 engineer, or was it on an as-needed basis?

6 A. As-needed basis.

7 Q. Who owned Broccoli-Rabe?

8 A. Brian Draigo.

19

Q. Was there a chief engineer?

20 A. Yes.

21 Q. Who was that?

22 A. Phil Pfisterer. Phil and I had a

23 production company together called I-n-d-i-e Music

24 Productions

13 Q. Do you know when Mr. Damiano recorded

14 music at Broccoli-Rabe Studios?

15 A. It would probably be around '87,

16 because in '88 I worked with Tony Tiller out in

17 Sammy Fields.

23 A. Yes. The relationship between myself
24 and Tony Tiller came through Phil Pfisterer, not
25 through Jim Damiano. Phil met Tony Tiller through

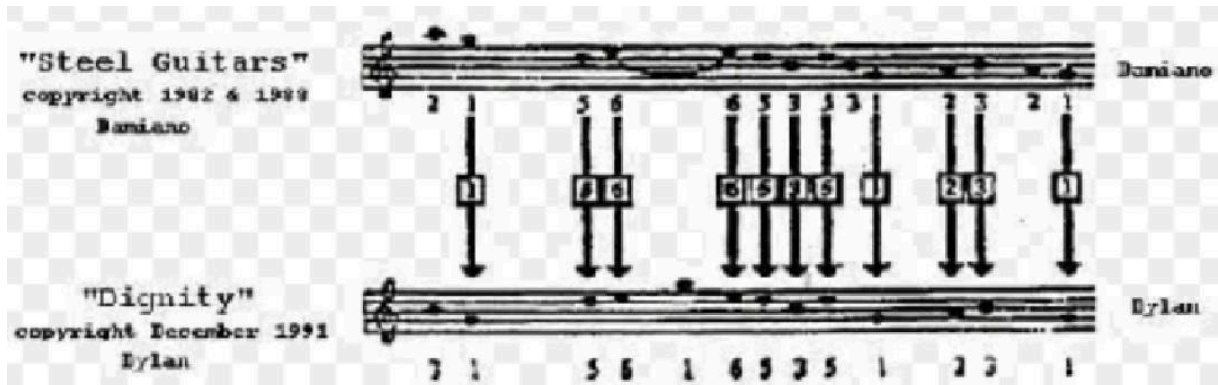
26

1 Patterson
2 Jim Damiano at a party,
cco.

23 Q. And in fact you've asked it back from
24 him?

25 A. No.

The musical score below is a comparative analysis of the melody line of a song released by Bob Dylan titled "Dignity" and a song written by James Damiano also titled "Dignity".



Bob Dylan's copyright registration for "Dignity" was dated December of 1991. James Damiano's copyright registration for "Dignity" was 1982 and 1988, nine and three years before Bob Dylan copyrighted "Dignity".

This analysis was prepared by Doctor Greene who graduated Magna Cum Laude from Harvard University.

Doctor Greene's analysis was corroborated by a professor of music at Julliard School of Music, Sebastian Currier and also by Jon Bon Jovi's piano teacher Harold Frazee.

Bob Dylan offered no credible rebuttal to this analysis. His music expert had no scholarly credentials.

For the purpose of comparison the notes have been changed to numbers. In this analysis Doctor Greene explains that the notes (2) & (3) are just accompaniments of (1) when the note (2) or (3)

precedes the note (1). So it would make no difference if Dylan used a (2) note or a (3) note, theoretically the (2) note or (3) note in reference to this melody line can be considered the same note. Also given that it would have been basically simple for Bob Dylan to leave one note out of the melody line one can consider that fifteen out of fifteen notes in this melody line are in consecutive order.

The limit a person can legally copy is six notes. Seven notes legally constitutes infringement. Professor Doctor Boris of Morris County College calculated the odds to be over a trillion to one that James Damiano and Bob Dylan wrote this same melody line independently of one another. Doctor Boris also opined that these odds are the same odds as hitting the New Jersey million dollar lottery a million times consecutively.

Judge Jerome B. Simandle wrote in his opinion of December 1996, "To the ear of this court, there is no substantial similarity in the structure, instrumentation or melody of the two songs." Judge Simandle has no formal education in music theory. Doctor Green who not only has a doctorate in music theory but graduated Magna Cum Laude from Harvard University.

"Dignity" was nominated for a Grammy. "Dignity" was also the only newly written original song released by Bob Dylan in a span of seven years from 1990 to 1997. All other songs released by Bob Dylan in that seven-year span were traditional folk songs and songs taken from songs in the public domain. In a New York Times interview with Bob Dylan the article read "Long time fans fretted that Dylan was not releasing new material in concert" When asked why he had not released a new song in seven years Dylan responded: "I don't like to introduce new material into the media

because of the bootleg situation". Insinuating someone might steal his song. I believe no credits to the authors of the songs Dylan recorded on his CD's between 1990 and 1997 were listed on his CD or CD cover. Nor was there any reference to the author's name. It is doubtful Dylan paid any royalties to the families of the deceased or living authors of those songs. "To the ear of this court, there is no substantial similarity in the structure, instrumentation or melody of the two songs.

Dr. Green faxed the following letter to Plaintiff referring

To Plaintiff's 1982 copyright registration:

A copy of Doctor Greene's resume is displayed below.

Two months after the Jones Beach concert Tony Tiller called me and asked me if I had any more songs that I could give Dylan. I told him that I had some songs that were not as of yet typed up but that I could copy some of them real fast by hand if I had to. Tony then told me that Dylan was playing at Waterloo Village in Byram, New Jersey and that if I wanted to go to the concert that he would get me tickets. I told him that I would go since it was so close to where I was living.

After asking me how many tickets I wanted Tony told me that he would call me back to let me know where to pick up the tickets. I called a friend of mine Brad Wright and asked him if he wanted to go. He told me that he was going to go anyway and that he had tickets for him and his girlfriend Sandy. Brad told me that he would drive over to my apartment, and we would all go together. When Brad and Sandy arrived I was on the phone with Tony. Tony told me to go to the will call window where there would be four complimentary tickets.

Brad, Sandy, Pam, and I drove to the concert and picked up the tickets. The seats were seven rows back on the center aisle. After the concert we followed Tony Tillers instructions to go backstage. The following transcript is what Brad Wright testified to in his deposition and under oath. Deposed by Orin Snyder, Bob Dylan's attorney Brad testified the following:

August 5th, 1988

I received a letter from Bob Dylan's publisher stating:

We are sorry to inform you that we are no longer accepting songs for review. Enclosed please find the return of your material. Sincerely, Bob Dylan office..

Produced in this litigation was a copy of the letter and the envelope, which enclosed the letter. A true and correct copy of this letter is displayed below:

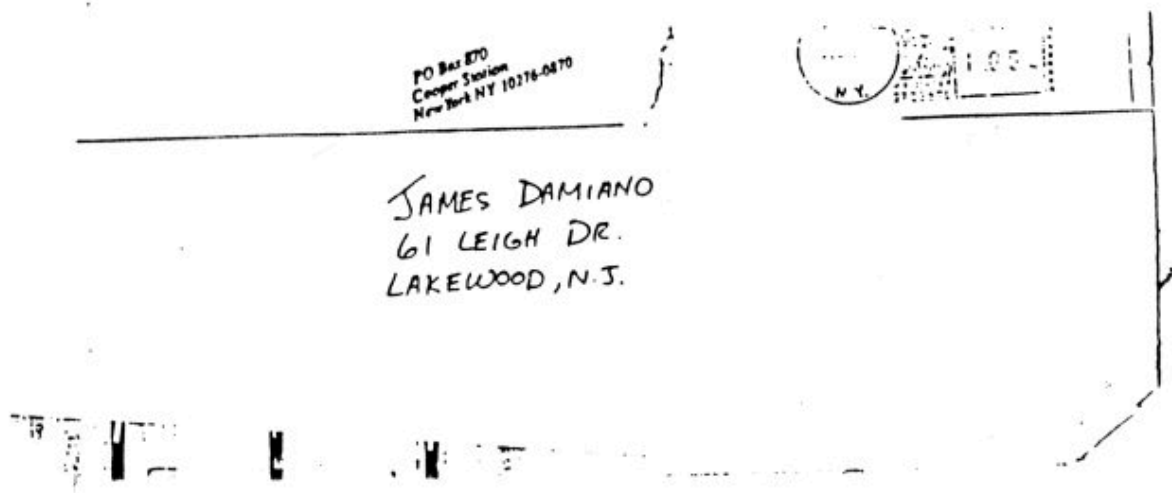
A copy of the envelope, which enclosed the letter, is displayed below. Plaintiff has learned through discovery that this letter came from Jeff Rosen's office. Jeff Rosen is Bob Dylan's publisher.

August 5th, 1988 I also received on the same day August 5th, 1988 a letter from CBS Associated Labels a letter stating Dear Damiano:

Thanks for sending me the enclosed. I've listened to a number of times and my decision is to pass. I just don't feel it's right for us at this time. May I wish you every success and thanks for thinking of us

Sincerely L___P___S___

A copy of this letter envelope is displayed below:



Two months after the Jones Beach concert Tony Tiller called me and asked me if I had any more songs that I could give Dylan. I told him that I had some songs that were not as of yet typed up but that I could copy some of them real fast by hand if I had to. Tony then told me that Dylan was playing at Waterloo Village in Byram, New Jersey and that if I wanted to go to the concert that he would get me tickets. I told him that I would go since it was so close to where I was living.

After asking me how many tickets I wanted he told me that he would call me back to let me know where to pick up the tickets. I called a friend of mine Brad Wright and asked him if he wanted to go. He told me that he was going to go anyway and that he had tickets for he and his girlfriend Sandy. Brad told me that he would drive over to my apartment, and we would all go together. When Brad and Sandy arrived I was on the phone with Tony. Tony told me to go to the will call window to pick up the tickets, there were four complimentary tickets.

Brad, Sandy, Pam, and I drove to the concert and picked up the tickets. The seats were seven rows back . My seat was row G seven rows back from the stage center isle. After the concert we followed Tony Tillers instructions to go backstage.

The guards saw us approaching, they moved to the side and let us walk right on through to the backstage area. Brad had an envelope of my songs in his hand.

We walked down a path to Dylan's bus. Brad knocked on the door and a man came off the bus and introduces himself as Mike Reed. Brad and I shook his hand. After the handshakes Mike looked down at the envelope and asked Brad "Are those for me?". Brad answered "yes" and started to hand Mike the songs. But before Mike could grab them I took the songs out of Brad's hand. Mike suddenly looked at me. with a confused expression. I then asked Mike "Why doesn't Dylan come down and get the songs?" Mike thought for a moment and replied "Bob already left" I then asked mike "why should I give you the songs?" and He didn't know how to answer me, or what to say. I was trying to decide whether I should leave the songs with him, when Brad asked Mike if Dylan would give him his autograph.

Mike replied that Dylan does not give autographs. As Mike and Brad were talking I was trying to decide what to do so I opened the book of lyrics to a page that read:

Doesn't seem like a man
Who would beat you but
I guess you never know
People do whatever it takes
To get what they want
So quick to put on a show
And there's a reason for
Everything in this world
Hit me high or hit me low
Might seem like a cynical
Attitude but someday
You'll reap what you sow
And I never met a man who
Could afford to be honest
Have to have
Those essential luxuries
Faith is your reason
Belief your purpose
Don't tell me you didn't know
Damiano / copyright

After Mike Reed read the songs we talked for a little longer. When the conversation between Mike, Brad and me ended Mike entered the bus with the envelope in his hand.

{Mike Reed was never deposed in this litigation}

[Ticket stubs to this concert have been produced in this litigation .]

The following transcript is what Brad Wright testified to in his deposition and under oath. Please note: All depositions besides Plaintiff's are video taped:

Deposed by Orin Snyder, Bob Dylan's attorney, part of what Brad testified to under oath is transcribed below. Page's 105 through 110.

6 Q. Did you attend a Bob Dylan concert in

7 Waterloo Village -- at Waterloo Village in Byram,

8 New Jersey?

9 A. Yes.

10 Q. In September of 1988?

11 A. Yes.

12 Q. Is that September 10, 1988?

13 A. I would have to look at the ticket

14 stub.

15 Q. Sound about right?

16 A. It sounds about right.

17 Q. Okay. That is what you said in your

18 statement, that is the date you give?

19 A. Okay. I'm not sure, plus or minus

20 somewhat.

21 Q. Did anyone else attend that concert

22 with you?

23 A. Yes.

24 Q. Who was that?

25 A. Pam Damiano and Sandy Miller.

75

1 Wright

2 Q. At the time was Sandy Miller your

3 girlfriend?

25 Q. So you met -- Sandy and you had the

82

1 Wright

2 tickets before the concert, correct? Waterloo we

3 are talking about.

4 A. We had our two tickets.

5 Q. And what, if anything, happened with

6 regard to Mr. Damiano before this concert?

7 A. He was on the phone with somebody, I

8 could only hear and I don't remember his

9 conversation, but it was -- but he was talking

10 about the tickets and there will be tickets, he

11 were trying to get four tickets for the show.

12 Q. Let's back up,

13 A. For the Waterloo show.

14 Q. Let's back up.

15 A. Sure.

16 Q. Did there come a time when Mr.

17 Damiano called you about the Waterloo concert?

18 A. I'm not sure who called whom.

19 Q. At some point you and he started

20 talking about the Waterloo concert?

21 A. Yes.

22 Q. What happened next with regard to you

23 and he going to the Waterloo concert together?

24 A. Well, I think I was already planning

25 on going because I had my tickets already when I

Wright

2 got to Jimmy's house, I know I had my tickets

3 already, so --

4 Q. So there came a time when you went to

5 Mr. Damiano's show?

6 A. Before the show.
83

1 He was planning on

7 going too.

8 Q. Was that on the day of the show?

9 A. Yes.

10 Q. And you went to his house for the

11 purpose of going to the show together?

12 A. Yes.

13 Q. At the time he was trying to get four

14 tickets to the show?

15 A. Yes.

16 Q. You already had two tickets?

17 A. Right.

18 Q. And he was going to get four to give

19 you two on the theory that maybe he could get

20 better tickets?

21 A. That may have been his thinking at
22 the time.

23 Q. What happened next?

24 A. Well, when we got to the show, he
25 went to the window and there were four tickets

84

1 Wright

2 they're for him.

3 Q. Did you and Sandy and Pam and Mr.
4 Damiano go to the concert?

5 A. We walked in, yes, we did go to the
6 concert. I didn't know how good his seats were,
7 so me and Sandy kept the tickets that we
8 originally had, which I -- I wish I didn't do that

9 because his seats were much better.

10 Q. Because you could have scalped them
11 and taken his?

12 A. I could have scalped mine, but
13 instead I did opposite, get some money for Pam.
14 But they were not going to sell them. I said,
15 "Pam, why don't I try to sell these for you," and
16 she liked the idea, and so I went back to the line
17 and I sold them for face value and -- I didn't
18 scalp them. Face value and I gave the money to
19 Pam.

20 Q. You sold your two tickets that you
21 had previously bought?

22 A. No. I wish I did that. I sold two
23 of the tickets that he received at the window.

24 Q. I see, and you sat in your seats?

25 A. Yes.

1 Wright

2 Q. And they sat in their seats?

3 A. Yes.

4 Q. Where were your seats?

5 A. Way off to the left of the stage.

6 Very corner left, and it was maybe a dozen rows

7 back or something.

8 Q. On the floor?

9 A. Yes. It is under the tent.

10 Q. And how did it come that you scalped

11 they're two as opposed to your two?

12 A. Well, I think I said I wasn't sure

13 how good his seats were. I don't know what I was

14 thinking at the time, whether I got my tickets
15 earlier and maybe they were better, but I sold
16 there two tickets. I wish I didn't because they
17 had much nicer seats.

18 Q. Do you remember how much you got for
19 the two tickets?

20 A. No. It was face value. Whatever it
21 was. I don't know.

22 Q. Okay. As you were selling the
23 tickets for face value --

24 A. Because they had them at the box
25 office. They were not sold out.

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1 Wright

2 Q. Sure, I understand. As you were
3 selling the tickets, you then watched the concert

4 from your seats?

5 A. Yes.

6 Q. Off on the side and Mr. Damiano and

7 Mrs. Damiano sat --

8 A. With the other two people, the couple

9 that I sold the tickets to. They said, "Excellent

10 seats, thanks."

11 Q. What, if anything, did Mr. Damiano

12 tell you about where he got the four seats on the

13 night in question?

14 A. Okay.

15 Q. And when I say on the night in

16 question, I'm asking you to tell us whether you

17 remember if he said anything to you about where he

18 got the tickets on the night in question as

19 opposed to some other time?

20 A. I remember him being on the phone in
21 the kitchen about 15, 20 minutes talking to some
22 guy about the tickets, and I only know he said the
23 guy's name, Anthony Tiller, but he didn't -- I
24 mean that's all I know.

25 Q. Okay. And do you remember where Mr.

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1 Wright

2 Damiano's seats were?

3 A. They were I would say pretty much on
4 center, maybe six rows back, maybe more, maybe
5 less. They were nice seats.

6 Q. And was the theater full that
7 evening?

8 A. It was pretty full. It was a tent.
9 The tent was full.

10 Q. Do you remember what the weather was?

11 A. I know we were under the tent. So if

12 it was raining, it wasn't -- we were not affected

13 by it. If it was raining. I have been to shows,

14 I tried to think of this before, I have been to

15 shows there where it has been raining, but I don't

16 know if it was this one or not. It could have

17 been raining.

18 Q. Now prior to concert, what, if

19 anything, did Mr. Damiano tell you about why he

20 was going to the concert?

21 A. We had a book of songs that Jimmy

22 composed and we were going to give them to Bob. I

23 was going to meet Bob.

24 Q. You were going to meet Bob?

25 A. Yes. I was hoping to.

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1 Wright

2 Q. And why don't you tell us about what
3 caused you to hope that you were going to meet Bob
4 that night?

5 A. Well, when I sold the tickets at the
6 window, I was pretty sure I was going to meet Bob
7 that night.

8 Q. Why is that?

9 A. Because he was -- he got -- he said
10 we were going to.

11 Q. Mr. Damiano told you he was going to
12 meet Bob?

13 A. We are going to give songs to Bob,
14 yes.

15 Q. Did he tell you, sir, that he had a
16 date with Mr. Dylan?

17 A. No, no, I still believe it when I see
18 it, I had that kind of an attitude.

19 Q. My question is what did Mr. Damiano
20 tell you about what was going to happen?

21 A. Well, we had a manila yellow envelope
22 with songs in it and a demo tape of Another
23 Justification and we were going to give that to
24 Bob.

25 Q. My question to you, sir, is, what did

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1 Wright
2 Mr. Damiano tell you about what was going to
3 happen after the concert, before the concert
4 ended?

5 A. That was the whole plan, that we were
6 going to meet with Bob and give him the songs and
7 see what he thinks.

8 Q. This was something he told you was
9 going to happen as opposed to something that he
10 hoped would happen?

11 A. Yes, I don't know which, I kind of
12 hoped and he thought it was more than hope. You
13 know, more.

14 Q. Did he tell you why he believed that
15 he was going to meet Mr. Dylan after the concert
16 at Waterloo Village on September 10, 1988?

17 MR. KRAMER: Objection to the form
18 of the question.

19 A. Why did he believe -- no, I got the
20 impression somehow but I'm not sure.

21 Q. Well, sir, did he tell you he and Mr.
22 Dylan had spoken on the telephone and arranged to
23 meet backstage after the concert?
24 A. Not him and Dylan, no.
25 Q. Did he tell you that Mr. Dylan sent

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1 Wright
2 him a letter beforehand arranging to meet him
3 backstage after the concert?
4 A. No.
5 Q. Did he tell you that Mr. Dylan's
6 manager and he had spoken and arranged for Mr.
7 Damiano to meet Mr. Dylan backstage after the
8 concert?
9 A. Not exactly in those words, but if
10 Anthony Tiller is his manager, that -- I don't

11 know.

12 Q. What --

13 MR. KRAMER: Keep your voice up.

14 Q. What impression, sir, did you have

15 before you went backstage about what was going to

16 happen?

17 A. I was under the impression that we

18 were going to meet -- that we were going to

19 finally -- I was finally going to meet with Bob

20 Dylan.

21 MR. KRAMER: Try to keep it at that

22 level.

23 THE WITNESS: Sorry.

24 MR. KRAMER: That's okay.

25 Q. Sir, what did Mr. Damiano tell you,

1 Wright
2 as best you can remember, that led you to believe
3 that you were finally going to meet Bob Dylan
4 backstage at Waterloo on September 10, 1988? Not
5 the exact words but what in substance did he tell
6 you?

7 A. It wasn't so much what he told me.
8 It was when we got there and the tickets -- we got
9 the four tickets at the window and I was under the
10 impression Jimmy was on the level with me. I
11 didn't know if all he was saying was true or not.

12 Q. On the level about what?

13 A. About that we are going to meet with
14 Bob.

15 Q. And you said all that he was saying.

16 What was he saying about what would happen

17 backstage?

18 A. Well, just all the stuff that -- oh
19 boy. All the stuff that he would say I would just
20 take as anybody saying, rambling on, and when I
21 listened to him and I never really totally
22 believed it.

23 Q. What was -- sir, what I'm trying to
24 establish is what it is that he was saying when he
25 was rambling on.

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1 Wright

2 A. That we were going to meet with Bob.
3 In no time we are going to sit down and he is
4 going to sit down and write with him.
5 Q. Fine. And did he tell you how he
6 came to believe that?

7 A. Not so much telling, but if he told
8 me anything, I was under the impression that he
9 was working with people that were very close to
10 Bob.

11 Q. Did Mr. Damiano tell you, in
12 substance, that he was working with people very
13 close to Bob which would enable him after this
14 concert to sit down with Bob Dylan?

15 A. I certainly got that impression.
16 Whether he told me or how I got the impression,
17 I'm not sure. I can't remember.

18 Q. You got that impression from words
19 that you had with Mr. Damiano?

20 A. Yes. I can't remember exactly how.

21 Q. Do you remember whether he told you
22 what position Mr. Tiller had?

23 A. No.

24 Q. Did you believe before going

25 backstage that Mr. Tiller was someone who was, as

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1 Wright

2 you said, close to Bob Dylan?

3 A. At the time I didn't believe

4 anything. Unless I see it myself.

5 Q. I understand. My question was a bad

6 one. Did Mr. Damiano tell you, in substance, that

7 Mr. Tiller was close to Bob Dylan?

8 A. Yes.

9 Q. Do you remember what he said about

10 that subject?

11 A. No. I know they talked on the phone.

12 I remember he mentioned Anthony Tiller a number of

13 times to me.

14 Q. And when he mentioned Anthony Tiller
15 a number of times to you, was that at about the
16 same time, 1988?

17 A. Yes.

18 Q. What did he say when he mentioned
19 Anthony Tiller?

20 A. Oh boy, just he was working with him
21 and he is giving Anthony his music, giving music
22 that he wrote to Tiller and hoped it would get him
23 somewhere.

24 Q. Did Mr. Damiano tell you in substance
25 that Tony Tiller had arranged for him to go

2 backstage after Waterloo to meet with Bob Dylan?

3 A. Yes.

4 Q. You said you were carrying a manila

5 yellow envelope which contained written lyrics

6 plus a demo tape of Another Justification?

7 A. Yes.

8 Q. Do you remember which lyrics were

9 contained on the pieces of paper in the envelope?

10 A. No.

11 Q. How many songs were in the envelope?

12 A. I would say (indicating) a stack

13 about a quarter-inch thick.

14 Q. Were any of them titled, sir, or were

15 these the poems that were untitled?

16 A. I can't remember for sure.

17 MR. KRAMER: Objection to the form

18 of the question.

19 Q. Who was carrying the manila envelope

20 during the concert?

21 A. During the concert he was carrying

22 it.

23 Q. And what, if anything, did he tell

24 you about what was in the envelope?

25 A. I knew what was in the envelope.

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1 Wright

2 Q. How did you know that?

3 A. I knew that they were songs

4 beforehand. That is why we brang them.

5 Q. What, if anything --

6 MR. SNYDER: Withdrawn.

7 Q. Did Mr. Damiano tell you before this

8 concert that he had already met with Mr. Dylan?

9 A. I believed there was a time, I

10 believe it was before but I'm not absolutely sure.

11 Q. Well, sir, did you believe that when

12 you were going to meet Bob Dylan after the

13 concert, that Mr. Damiano and Mr. Dylan already

14 had a relationship of some sort?

15 A. Did I believe it?

16 Q. Well, was that something that Mr.

17 Damiano said to you.

18 A. Yes, he said it, but did I believe

19 it? No.

20 Q. What did he say to you about a

21 preexisting relationship between Mr. Dylan and Mr.

22 Damiano?

23 A. Not that there was much of a

24 relationship, if any, but he wanted -- his goal

25 was to sit down and write with Bob.

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1 Wright

2 Q. My question is, what, if anything,
3 did Mr. Damiano tell you at this concert about
4 whether he and Mr. Dylan had already sat down
5 together?

6 A. Yes, that's right, I remember Pam
7 even telling me the night before, the night of the
8 show before we went, she was telling me something
9 about meeting with Bob, so yes, it was that they
10 had met before the show so they did talk about it,
11 that they met before.

12 MR. SNYDER: Let's take a half an
13 hour.

14 THE VIDEOGRAPHER: We are off the

15 record. The time is 12:40.

16 (Lunch recess: 12:40 p.m.)

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1 Wright

2 Afternoon Session

3 1:22 p.m.

4 BRADLEY CHARLES WRIGHT,

5 previously sworn, resumed:

6 THE VIDEOGRAPHER: Back on the

7 record. Tape number 2. The time is 1:22.

8 We are on the record.

9 BY MR. SNYDER:

10 Q. Sir, before lunch we were talking

11 about Waterloo and the events that allegedly

12 occurred there.

23 Q. You were talking about the manila
24 envelope and you testified that contained in the
25 manila envelope you were holding at Waterloo was a

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1 Wright
2 demo of Another Justification and about a
3 quarter-inch thick worth of lyrics?

4 A. Yes.

5 Q. Do you as you sit here today know
6 what a single lyric was in that manila folder?

7 A. Not a one.

8 Q. Do you know whether in fact there was
9 anything printed on the documents?

10 A. Yes, I saw them, yes.

11 Q. You saw printed words on a page?

12 A. Printed words on a page.

13 Q. But you have absolutely no idea what
14 those words are?

15 A. Correct.

16 MR. KRAMER: You don't mean printed,

17 I assume, printed as in --

18 THE WITNESS: Typed.

19 MR. KRAMER: Or do you --

20 A. They were typed.

21 Q. Typed or handwritten?

22 A. They were typed.

23 Q. And the songs that were on Another

24 Justification were what?

25 A. I can remember My Cousin Joanne, and

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1 Wright

2 Bury Me in New York City, and if you were to go

3 over some, I would remember if you would say the

4 names, maybe I would remember.

5 Q. And, sir, you were -- the tape that

6 you have at home, Another Justification, that you

7 are going to send to us for copying is a copy of
8 the same tape that you had with you that night?

9 A. Yes.

10 Q. Okay. What happened at the end of
11 the concert?

12 A. Well, walked back to where Jim was
13 sitting, and me and Sandy met with Jimmy and Pam
14 and the guy, the couple that I sold the tickets to
15 that were sitting next to Jimmy and Pam, and he
16 said, "Thank you, excellent seats," and I said
17 "Yes, great."

18 Q. Too bad you didn't enjoy them.

19 A. So we walked backstage with the
20 envelope and then at this time I took the
21 envelope. And we walked, I say backstage, it's
22 all outside, so we walked behind the curtains to
23 the left of the stage facing it and we walked by
24 two bodyguards, big guys, and they just parted and
25 they just made way for us as we walked up to the

1 Wright

2 bus. Maybe the bus was like in back.

3 Q. And sir, you didn't actually go on
4 stage, you are saying you went to the left around
5 the stage?

6 A. Yes. It is all outside so the only
7 stage is the stage where they perform on and
8 everything else is pretty much outside.

9 Q. How many security guards did you see?

10 A. I saw two.

11 Q. And you said they parted?

12 A. They let us go. We didn't actually
13 walk between them but we walked right by. They
14 didn't question us or anything. But they did see
15 us.

16 Q. And who went backstage, you, Pamela
17 Damiano?

18 A. Me, Pam, Jim and Sandy.

19 Q. And --

20 A. We walked back past the guards and up
21 to the bus, but the girls didn't follow us right
22 up to the bus.

23 Q. Other than you four, were other
24 people going backstage?

25 A. No.

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1 Wright

2 Q. Did you see whether other people
3 attempted to go backstage?

4 A. I didn't see whether they attempted
5 or not.

6 Q. When you were backstage, what did you
7 see?

8 A. There was a bus.

9 Q. Can you describe the bus?

10 A. It was big. It was big like a

11 charter type.

12 Q. Just one bus?

13 A. Just one bus.

14 Q. Any trucks?

15 A. There were trucks.

16 Q. Any other people backstage?

17 A. Not that I recall.

18 Q. Just you four and the bus?

19 A. Yes, that were -- backstage, yes,
20 behind the stage, yes. Right up next to the bus,
21 me and Jim were the ones that walked up to the
22 bus.

23 Q. But when you were backstage in that
24 area, you didn't see any technicians or --

25 A. If there were, they were off in the

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1 Wright

2 distance and I wasn't paying attention. It was a

3 handful of people if there was.

4 Q. Were there people backstage beyond
5 you four or not that you saw?

6 A. I didn't recognize -- I mean I
7 remember the two guards I do remember.

8 Q. What did they look like?

9 A. They were big guys, both white and --
10 that is about all I can tell you. Big strapping
11 looking dudes.

12 Q. Did any one of your group of four
13 have any words or verbal exchange with the guards?

14 A. Not that I'm aware of.

15 Q. And at what point did you take
16 possession of this manila folder?

17 A. Right before we started to walk
18 backstage.

19 Q. Why did you take possession of it?

20 A. I'm not sure.

21 Q. Did Jim ask you to?

22 A. I'm not sure exactly how I came to

23 hold the songs.

24 Q. Was it something that you wanted to

25 be doing at that time?

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1 Wright

2 A. I didn't think of it one way or the

3 other.

4 Q. Well, was there a specific reason

5 that you came to hold them as opposed to Jim?

6 A. I think Jim was nervous, very nervous

7 at the time, and I believe he gave them to me to

8 hold.

9 Q. Did he tell you he was nervous?

10 A. No. No, but -- no. He didn't tell

11 me that.

12 Q. Did you perceive him to be acting in

13 a nervous manner?

14 A. Yes. But then again, I often get

15 that impression from Jim.

16 Q. What was he doing that made him
17 appear nervous to you?

18 A. Just seems like his nature. Maybe it
19 is me, I'm so calm, I don't know.

20 Q. What do you mean by that?

21 A. I don't know. I don't know, I guess

22 if you met Jim, you should know what I'm talking
23 about.

24 Q. Okay. So, you got backstage and it
25 is you four and you saw this bus?

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1 Wright

2 A. Saw the bus.

3 Q. What happened next?

4 A. Me and Jim walked up to the bus,

5 knocked on it. Now the girls, they stayed behind.

6 They were maybe 20 yards away, maybe 20 yards,

7 maybe 30, and they were just talking to

8 themselves, and me and Jim knocked on the bus, one

9 of us knocked on the bus, I'm not sure.

10 Q. And did you have any discussion about
11 knocking on the bus?

12 A. No. No. I just can't remember who
13 knocked on the bus.

14 Q. Do you remember why one of you were
15 knocking on the bus?

16 A. We were sure Bob was on the bus, and
17 Bob was only off the stage now 15 minutes and we
18 were sure that Bob was going to come down and we
19 were going to meet with Bob and give him the
20 songs.

21 Q. And what happened next?

22 A. And then the other guy, the driver
23 got off the bus.

24 Q. How did you know he was the driver?

25 A. He told us.

1 Wright

2 Q. He told you he was the driver?

3 A. Yes.

4 Q. Of the bus?

5 A. Yes.

6 Q. Why don't you tell us exactly what

7 happened after you knocked on the door.

8 A. He came off the bus --

9 Q. He came off --

10 MR. KRAMER: Can we now just hear

11 his answer.

12 Go ahead.

13 A. The guy came off the bus and I asked

14 him if Bob is on the bus. I wanted his autograph

15 And he says Bob doesn't give autographs, and I

16 remember him saying his last name, I remember

17 asking him if he is any relation to Lou Reed and

18 he said no. That is how I'm sure his last name is

19 Reed. His first name is Mike, from what I

20 understand.

21 Q. But you remember it being Reed right

22 now?

23 A. I remember it being Reed for sure. I

24 remember asking if he was any relation to Lou.

25 Q. Did you ask him what his name was or

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1 Wright

2 did he offer his name?

3 A. I can't think for sure.

4 Q. Okay. What happened next?

5 A. I was pretty sure that Bob was on the

6 bus. Don't ask me how. I'm sure I was just, you

7 know, hoping I guess a lot of it was, and I'm

8 saying have him come off and meet us, and he said

9 he is not on the bus, this is an equipment bus and

10 Bob left on a bus a few minutes before. This is

11 an equipment bus.

12 Q. What did you understand him to mean

13 by equipment bus?

14 A. For the amps and equipment.

15 Q. Okay. What happened next?

16 A. There was some small talk and I can't

17 remember everything or what order everything

18 happened in, but we wanted to -- he says are these

19 for me or something, I'm not sure.

20 Q. Well, okay, let me interrupt you for

21 a minute.

22 MR. KRAMER: You don't want him to

23 finish his answer?

24 MR. SNYDER: His answer is finished,

25 Mr. Kramer.

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1 Wright

2 Q. Your answer is finished, right?

3 A. I'm not sure if -- what was the

4 question again?

5 Q. The question is, you are saying you
6 are not sure about exactly what this individual
7 said to you, so I want to back up. Okay. So you
8 can make clear that what you are testifying is
9 what you remember.

10 A. It is vague.

11 Q. All I'm interested in is what you
12 remember today. So was there some discussion
13 about the book or about the lyrics that you had?

14 A. Oh, yes.

15 Q. Who said what first about the lyrics,
16 if you recall?

17 A. I'm not sure. I know we made it
18 clear that we wanted to make sure that Bob gets
19 this book of songs.

20 Q. And what, if anything, did Mr. Reed
21 say in response?

22 A. He said he will make sure, he will
23 send them, if he has to he will set them on his
24 nightstand.

25 Q. On his nightstand?

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1 Wright

2 A. Dresser, nightstand, you know, in his
3 hotel. He will see him and he sees him all the
4 time and it won't be a problem.

5 Q. Mr. Reed allegedly said that he sees
6 Dylan all the time and he will set -- if he has to
7 he will set the lyrics --

8 A. He swore to us that he will make sure
9 that Bob gets the songs.

10 Q. You said that he said even if he has
11 to put them on his dresser or nightstand?

12 A. He said something about sending them
13 somewhere, and Jim said, "No, I want you to hand
14 them to him."

15 Q. But you testified about a hotel room
16 dresser or nightstand?

17 A. He mentioned some regard about
18 setting them somewhere and that was not good
19 enough for Jim and he wanted him to hand them to
20 him, and I started to hand the songs to Mike and
21 then I'm not sure if Jimmy grabbed them out of my
22 hand then or if he took them out of Mike's. I
23 think Mike started to read one of the songs and
24 Jimmy just grabbed it out of his hand and started
25 to read the song for him, and he was very

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1 Wright
2 impressed by the song, at least he seemed that
3 way. And this is the driver now talking about.
4 And he said, "Oh, yes, that is very good," he
5 loves it and he will make sure, he swore to us.
6 Q. You say "he swore to us." Did he use
7 those words, did he swear to you?
8 A. He promised us.
9 Q. And --

10 A. I was totally convinced that he was
11 going to give the songs to Bob. In fact I was
12 pretty sure he was on the bus, but --

13 Q. And this is the driver of the
14 equipment bus?

15 A. That is what he said.

16 Q. And you said that the driver of the
17 equipment bus told you that he sees Bob Dylan all
18 the time?

19 A. He says he has been driving for him,
20 something to that effect.

21 Q. What did this fellow look like?

22 A. He was a white guy, he -- brown hair,
23 he may have had a mustache, I'm not sure, and he
24 was tall, maybe six foot.

25 Q. Sir, did you ask the driver of the

2 equipment bus how it is that he sees Bob Dylan all
3 the time?

4 A. I don't know, we talked and I asked
5 him a couple of times for Bob's autograph because
6 like I kept looking back there and it didn't look
7 like an equipment bus to me, it looked more like a
8 luxury-type bus. And in fact he was looking back
9 there, there was a curtain drawn, and it looked
10 like a real nice bus, not an equipment bus.

11 Q. You didn't go inside the bus?

12 A. No.

13 Q. So you have no idea what was behind
14 the curtain?

15 A. No, no idea.

16 Q. And when you first knocked on the
17 bus, Mike Reed didn't know who you and Mr. Damiano
18 were, right?

19 A. No, he didn't know us.

20 Q. You said that he was impressed with
21 the lyrics?

22 A. Yes.

23 Q. Did he actually read some of the
24 lyrics?

25 A. What I remember is he started to read

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1 Wright

2 them, and maybe it wasn't fast enough for Jim or

3 it wasn't the tone that Jimmy would read it and

4 started -- Jimmy ended up finishing it, reading

5 the rest of it. He just flipped through it and

6 just grabbed the page.

7 Q. Do you remember what he read?

8 A. No, I don't.

9 Q. And he read, you said lyrics for one
10 song?

11 A. He read -- yes, a song, a poem,
12 whatever, however you might describe it. It was
13 like a short song, it wasn't just like -- it was

14 the whole thing but it was only like a paragraph.

15 I remember looking at it. It was a paragraph this

16 big (indicating), on paper.

17 Q. When you say "this big," about a

18 couple of inches high?

19 A. Yes.

20 Q. And what, if anything, did the driver

21 of the equipment bus say in response?

22 A. You could just tell he was very

23 impressed by it.

24 Q. And did this driver say anything to

25 you about --

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1 Wright

2 A. He said, "I like it, I like it a

3 lot." Again, these are not exact quotes, but he

4 said, "I will make sure that Bob gets these

5 songs."

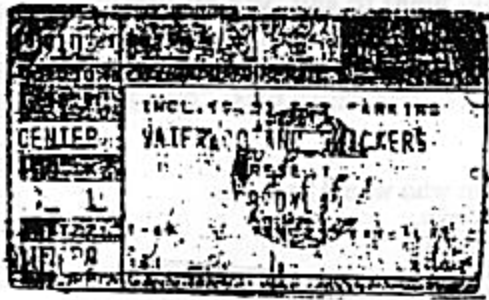
6 Q. What happened next?

7 A. Basically, we gave him the songs. We
8 said okay, we shook hands, and then by the time we
9 got in the car, like I was still convinced that
10 Bob was on the bus. But then again that is just
11 me, and I remember saying to Jim, "Oh, they are
12 probably rocking out to My Cousin Joanne right
13 now." That is how I remember that there was a
14 tape in that thing because I remember saying that
15 to him.

16 Q. And you have no idea --

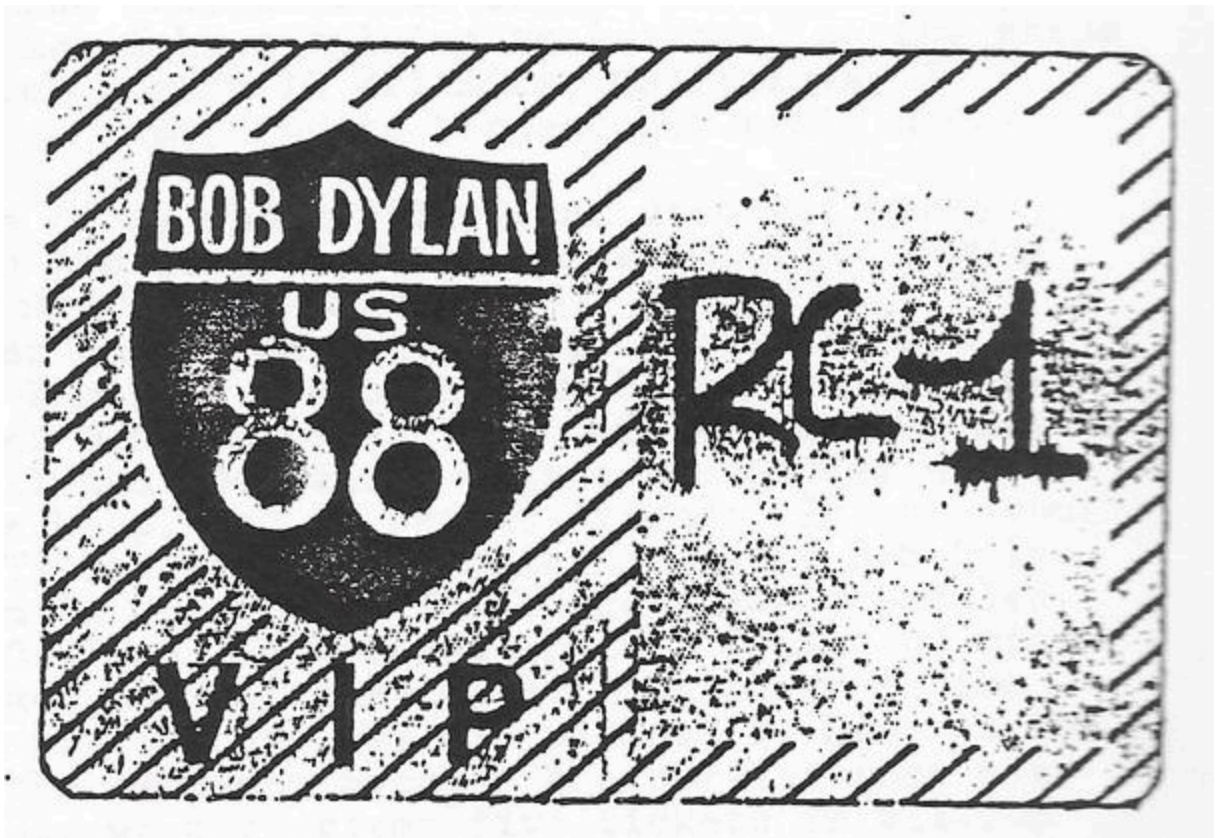
17 A. And probably driving down the highway
18 rocking to My Cousin Joanne right now probably.

Copies of the tickets to the waterloo concert are displayed below:



Brad Wright also testified under oath that on September 6, 1988, he accompanied James Damiano to yet another concert backstage at Radio City Music Hall.

Plaintiff was given Backstage passes at this concert. Brad also testified that someone backstage took James Damiano's songs.



A copy of the ticket to the Radio City concert displayed;

RC1016E ORCH LL 206 ADULT
25.00 ORCH RIGHT 25.00
RESALE INVALIDATES TICKET C
ORCH RADIO CITY MUSIC HALL
CA BX
LL 206
RCM112E
A14OCT8
208 DYLAN
SUNDAY EVENING
OCTOBER 16, 1992 8:00PM

Motive:

Dylan had writers block for commercially viable songs during at least a portion of the relevant period of time, from the early eighties to 1994 when defendants solicited James Damiano's songs.

Bob Dylan gave an interview to Associated Press reporter Kathryn Baker. The interview took place while having dinner at a restaurant in California. With Dylan's permission Ms. Baker recorded the interview.

When Ms. Baker's article appeared in the newspaper, it quoted Bob Dylan as saying:

"There is no rule that claims anyone must write their own songs and I do I write a lot of songs. but so what you know? You could take another song somebody else has written and you could make it your own."

The article goes on to talk about the fact that this was the first time Dylan had ever used other writers on an album. The article states that it was

inevitable that Dylan did not have enough material of his own for an album.

Ms. Baker then quotes Dylan again as saying :

"Writing is like such an isolated thing. You're in such an isolated frame of mind. You have got to get into that place. In the old days I could get to it real quick. I can't get to it like that no more. It's not that simple.

Ms. Baker goes on to quote Bob Dylan: "I mean just being able to shut yourself off for long periods of time, where you're so isolated, no one can get to you mentally or physically, you know. You need to do that to come up with that kind of stuff."

Ms. Baker quotes Dylan once again: "You're always capable in your youth and especially if you're an unknown and nobody cares, like if you're an anonymous person, but once that all ends, then you have to create not only what you want to but you have to create the environment to do it in which is double hard."

A true and correct copy of this letter will be produced upon request.

Please note: All depositions besides Plaintiff's are video taped:

Kathryn Baker testified under oath:

Plaintiff's attorney Steven M. Kramer deposed Kathryn Baker:

1 IN THE UNITED STATES DISTRICT COURT

2 FOR THE CENTRAL DISTRICT OF NEW JERSEY

3

4 JAMES DAMIANO,)
5 PLAINTIFF,) CASE NO.
6 VS.) 95CV4795(JBS)
7 SONY MUSIC ENTERTAINMENT, INC.,)
8 AND BOB DYLAN,)
9 DEFENDANTS.)

13 VIDEOTAPED DEPOSITION OF:

14 KATHRYN BAKER
15 MONDAY, APRIL 1, 1996
16 10:17 A.M.

23 FILE NO. LL62034

24 REPORTED BY DAWSHA LAYLAND BAKER

25 C.S.R. NO. 5166

1 VIDEOTAPED DEPOSITION OF KATHRYN BAKER, THE
2 WITNESS, TAKEN ON BEHALF OF THE PLAINTIFF, AT
3 10:17 A.M., MONDAY, APRIL 1, 1996, AT 9606 SANTA
4 MONICA BOULEVARD, BEVERLY HILLS, CALIFORNIA,
BEFORE
5 DAWSHA LAYLAND BAKER, C.S.R. NO. 5166, PURSUANT TO
6 SUBPOENA.

7

8 APPEARANCES OF COUNSEL

9 FOR PLAINTIFF:

10 LAW OFFICES OF STEVEN M. KRAMER &

11 ASSOCIATES

12 BY: STEVEN M. KRAMER, ESQ.

13 150 WEST 56TH STREET

14 65TH FLOOR

15 NEW YORK, NEW YORK 10019

16

17 FOR DEFENDANTS:

18 PARCHER & HAYES

19 BY: STEVEN M. HAYES, ESQ.

20 500 FIFTH AVENUE

21 38TH FLOOR

22 NEW YORK, NEW YORK 10110

23

24 ALSO PRESENT: GEOFF MINGER, VIDEOGRAPHER

25 CHRISTIAN MARTINEZ

2

KERNS & GRADILLAS CERTIFIED SHORTHAND
REPORTERS

(310) 556-1136

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2 WITNESS EXAMINATION PAGE

3 KATHRYN BAKER BY MR. KRAMER 5, 37

4 BY MR. HAYES 19, 46

5

6 OBJECTIONS BY COUNSEL

7 PAGE LINE PAGE LINE PAGE LINE

8 25 17 29 21 37 17

9 42 6 43 14 43 21

13 EXHIBITS

14 NO. PAGE DESCRIPTION

15 1 8 NEWSPAPER ARTICLE ENTITLED

16 "DYLAN SURVIVES CHANGIN' TIMES"

17 2 10 NEWSPAPER ARTICLE ENTITLED

18 "DYLAN: A REBEL MELLOWS"

1 BEVERLY HILLS, CALIFORNIA;

2 MONDAY, APRIL 1, 1996, 10:17 A.M.

3

4 THE VIDEOGRAPHER: This is the
5 videotaped deposition of Kathryn Baker, in the
6 matter of Damiano versus Sony Music Entertainment,
7 Incorporated, and Bob Dylan. Today's date is
8 April 1st, 1996. The time is 10:17 a.m. This
9 recording is taking place at 9606 Santa Monica
10 Boulevard, in Beverly Hills, California.

11 My name is Geoff Minger, a notary
12 public in the state of California. I represent
13 Kerns & Gradillas Video Services, located at
14 9320 Wilshire Boulevard in Beverly Hills,
15 California.

16 This deposition is being videotaped on
17 behalf of the plaintiff. I am neither counsel for,
18 employed by or related to any party in this action,
19 nor am I interested in the outcome thereof.

20 Counsel, please introduce yourselves

21 and state your appearance.

22 MR. KRAMER: Steven Kramer, on behalf
23 of the plaintiff.

24 MR. HAYES: Steven Hayes, the firm of
25 Parcher & Hayes, for the defendants.

4

KERNS & GRADILLAS CERTIFIED SHORTHAND
REPORTERS

(310) 556-1136

1 THE VIDEOGRAPHER: We are on the
2 record. Would the court reporter please swear in
3 the witness.

4

5 KATHRYN BAKER,

6 having been first duly sworn, was

7 examined and testified as follows:

8

9 EXAMINATION

10 BY MR. KRAMER:

11 Q. Miss Baker, good morning.

12 A. Good morning.

13 Q. This deposition is being taken

14 pursuant to notice and subpoena. Did you receive a

15 subpoena to appear here?

16 A. Yes, I did.

17 Q. And what is your profession, ma'am?

18 A. I'm a writer.

19 Q. And by whom are you employed

20 currently?

21 A. Currently Spelling Entertainment.

22 Q. In what capacity?

23 A. I'm executive story editor on the show

24 "Melrose Place."

25 Q. Was there a time that you were

5

1 employed or in some way affiliated with the

2 Associated Press?

3 A. Yes.

4 Q. And when was that, ma'am?

5 A. From 1981 until 1989.

6 THE VIDEOGRAPHER: The time is

7 10:19 a.m. We're off the record.

8 (Discussion held off the record.)

9 THE VIDEOGRAPHER: The time is

10 10:19 a.m. We're back on the record.

11 BY MR. KRAMER:

12 Q. Miss Baker, during the time 1981 to

a.m. We're back on the record.

11 BY MR. KRAMER:

12 Q. Miss Baker, during the time 1981 to
13 1989 that you were affiliated with the Associated
14 Press, what was your position or profession?

15 A. Variously I was the staff
16 writer/editor the last three years. I believe from
17 1986 to 1989 I was the television critic, but I also
18 wrote other entertainment features.

19 Q. What is the Associated Press?

20 A. It's a cooperative of thousands of
21 newspapers. It's a wire service.

22 Q. Okay. And is it fair to say that it's
23 stationed or represented all over the country?

24 A. Yes.

25 Q. Okay. And where were you represented?

1 A. At the time in question, the last
2 three years I was with them, I was in New York.

3 Q. Okay. And in your capacity as a
4 writer for the Associated Press, did you, from time
5 to time, conduct interviews of various personalities
6 and stars and celebrities and such?

7 A. Yes.

8 Q. Okay. Could you give us an idea of
9 just a few examples?

10 A. Well, as television critic, I
11 interviewed people like David Letterman and various
12 television stars. Probably Dylan, who I interviewed
13 in 1988 -- was probably -- if anybody asked me who
14 was the biggest star I interviewed, it was probably
15 him.

16 Q. And as you know, you're here today
17 concerning an interview that you conducted with

18 Mr. Dylan. You understand that?

19 A. Right.

20 Q. When was that interview conducted,

21 ma'am?

22 A. August 5th, 1988.

23 Q. Okay. And in preparation for today's

24 appearance here, did you review any notes?

25 A. Yes, I reviewed the transcript of the

7

1 tape.

2 Q. Okay. And does a tape recording

3 exist?

4 A. Yes.

5 MR. KRAMER: And let me show you a

6 copy -- or a portion of a copy of the article. This

7 is the only copy that we have, and I'll ask the

8 court reporter to first mark it as Exhibit 1 to this
9 deposition and please attach it to the transcript.

10 (The document referred to was
11 marked by the C.S.R. as Plaintiff's
12 Exhibit 1 for identification and
13 attached to and made a part of this
14 deposition.)

15 BY MR. KRAMER:

16 Q. Would you be kind enough to look at
17 that document and if you can identify it, please do
18 so, Miss Baker.

19 A. Yeah. This is the story that I wrote
20 that ran on the wire based on that interview.

21 Q. What is the title of this article,
22 ma'am?

23 A. This particular newspaper, it says

24 "Dylan Survives Changin' Times." The newspapers
25 put their own headline on the story. I'm not sure

8

1 what the headline we put on it was.

2 Q. It says "By Kathryn Baker, Associated
3 Press Writer, Beverly Hills, California."

4 Are you that Kathryn Baker?

5 A. Yes.

6 MR. HAYES: The copy I have just has
7 two pages and seems to refer to there being another
8 page.

9 MR. KRAMER: Yes. Those are the only
10 two pages that we have. I was going to ask
11 Ms. Baker.

12 Q. Do you have a complete copy of this at
13 some location?

14 A. Yes.

15 Q. Okay. And would you be willing, at
16 your convenience, to provide both myself and
17 Mr. Hayes with a copy of that --

18 A. Okay. Sure.

19 Q. -- so that we could have a complete
20 copy?

21 A. Yes.

22 MR. HAYES: I have a copy here today
23 which I'll be happy to have you mark, instead. The
24 only problem I have, the first part of it is a
25 little less clear.

9

1 MR. KRAMER: Why don't we mark this as
2 Exhibit 2.

3 MR. HAYES: That's fine. That will

4 provide the third page.

5 MR. KRAMER: Great.

6 (The document referred to was
7 marked by the C.S.R. as Plaintiff's
8 Exhibit 2 for identification and
9 attached to and made a part of this
10 deposition.)

11 BY MR. KRAMER:

12 Q. Would you be kind enough to look at
13 what is now Exhibit 2, Miss Baker, and tell me if
14 that appears to be the complete article, complete
15 interview that appeared.

16 A. Yes, it does.

17 Q. Did you tape-record this interview?

18 A. Yes.

19 Q. And in preparation today, did you
20 compare what appears in the article with the actual

21 tape or the transcript of the tape?

22 A. With the transcript of the tape.

23 Q. Okay.

24 A. Which I previously had compared with

25 the tape, so the transcript is accurate.

10

1 Q. Okay. And where did this interview

2 take place between yourself and Mr. Dylan?

3 A. It was over dinner at a restaurant

4 called Il Cielo here in Beverly Hills.

5 Q. Do you recall when it took place?

6 A. August 5th, 1988 in the evening,

7 sometime around 7:00 or 8:00 o'clock, something like

8 that.

9 Q. Was anyone else present at the table

10 with you?

11 A. Yes, Elliot Mintz, who was at the time

12 Bob Dylan's publicist.

13 Q. Does his voice, from time to time,

14 appear on the tape?

15 A. A couple of times.

16 Q. Would you describe for the jury your
17 process, then, if you had one, of how you would go
18 about conducting an interview in connection with
19 having the tape recording?

20 In other words, what is the purpose of
21 having a tape recorder there during the interview?

22 A. Well, I particularly like to rely on a
23 tape recorder rather than taking notes because it's
24 easier to conduct a more casual conversation with
25 someone.

1 In this particular instance, I had the
2 tape recorder on the table and even had a little
3 mike, so he was very aware that he was being
4 tape-recorded. That way you don't have to take any
5 notes.

6 We were having dinner, so it made it a
7 little easier, and then the hard part is having to
8 transcribe the entire tape which also included
9 dinner.

10 Q. And who actually physically
11 transcribed that tape?

12 A. Elliot Mintz provided a transcriber
13 because it is a lot of work to do it and I needed to
14 get the story out -- AP wanted me to get the story
15 out relatively soon because it was an exclusive
16 interview. So I let him do that.

17 I took the transcript and went through
18 it with the tape. I didn't have to do the actual
19 typing -- in fact, when I went through the
20 transcript, I noticed where I had made too little
21 corrections to make sure that the quotes in the
22 transcript exactly matched what was on the tape.

23 Q. Okay. And are you comfortable today
24 that the transcript, with your corrections, is an
25 accurate transcription of the tape?

12

1 A. Yes.

2 Q. Okay. Would you be kind enough to
3 look at Exhibit 1. And I've turned it over to at
4 least what appears to be the second page of the
5 interview.

6 A. Mm-hmm.

7 Q. And the right-hand half of the page.

8 A. Mm-hmm.

9 Q. I'm going to read a couple of

10 sentences. And after I read each one, my question

11 will be the same, and that is: Did Mr. Dylan say

12 that?

13 A. Okay.

14 Q. Do you understand?

15 A. Yes.

16 Q. Okay. If you would look, ma'am,

17 towards the next to the last column of that page,

18 what appears to be the third or fourth paragraph

19 from the bottom, it says -- let's start at the top

20 so we can put it in context.

21 A. Okay.

22 Q. I think it probably makes more sense.

23 Actually, let's go to the bottom

24 left-hand side of the page, "The album."

25 Do you see where I have --

13

1 A. Yes.

2 Q. "The album" --

3 A. Yes.

4 Q. Let's pick it up there. "The album"

5 reads -- I'm reading from the interview that appears

6 in the Associated Press August 1988, Exhibit 1,

7 quote -- and these are your words, I take it, until

8 we actually see quotes.

9 "The album surprised some

10 critics because it is mostly covers of

11 other composers' songs."

12 Could you explain to the jury what the

13 word "covers" means in that context?

14 A. That's when an artist records a song

15 that was written by another songwriter.

16 Q. So in this context, this refers to

17 songs recorded by Mr. Dylan on his album, but that

18 had been written by other composers?

19 A. Actually, I -- this -- I --

20 technically "covers" means redoing a song that's

21 been recorded by someone else.

22 Q. Okay.

23 A. So I'm not sure that's entirely

24 accurate. I'm sure all these songs were recorded

25 sometime before.

1 Q. Okay. But, in essence, these -- you
2 were referring to songs recorded by him, but that
3 had been composed by other people?

4 A. Right.

5 Q. You then continue, quote:

6 "There are only two Dylan
7 originals, plus two collaborations
8 with Grateful Dead songwriter Robert
9 Hunter, including the single," quote,
10 "Silvio," unquote.

11 Would it be fair to state Grateful
12 Dead is a very famous rock and roll band?

13 A. Right.

14 Q. Okay. Then you continue:

15 "Dylan said he picked the
16 other material because he liked it.
17 Quote, "Down in the Groove,"

18 unquote, "establishes Dylan as a
19 recording artist and arranger with the
20 strength of style to transcend the
21 source of the material."
22 You wrote those words?
23 A. Yes.
24 Q. And then you write what appears to be
25 a quote from Mr. Dylan, and then I'll ask you if it

15

1 is, in fact, such. Quote:
2 "There's no rule that claims
3 that anyone must write their own
4 songs," unquote, "he says."
5 Miss Baker, did Mr. Dylan say those
6 words?

7 A. Yes.

8 Q. And when you use the words "he says,"

9 is that Mr. Dylan says?

10 A. Yes.

11 Q. You continue with, quote:

12 "And I do. I write a lot of

13 songs. But so what, you know? You

14 could take another song somebody else

15 has written and you can make it

16 yours. I'm not saying I made a

17 definitive version of anything with

18 this last record, but I liked the

19 songs. Every so often you've got to

20 sing songs that're out there. You

21 just have to, just to keep yourself

22 straight."

23 Did Mr. Dylan say those words?

24 A. Yes.

25 Q. You then continue without quotes:

16

1 "The other reason for the
2 others is inevitable: He didn't" --
3 d-i-d-n-'t, as in did not -- "He
4 didn't have enough material of his own
5 for an album."

6 Did Mr. Dylan say those words?

7 A. I went back in the transcript and I
8 was paraphrasing him and that's not entirely
9 accurate. He said he didn't have enough songs that
10 he wanted to put on an album.

11 Q. You then continue, quote:

12 "Writing is like such an
13 isolated thing. You're in such an

14 isolated frame of mind."

15 Did Mr. Dylan say that?

16 A. Yes.

17 Q. You continue, quote:

18 "You have to get into or be

19 in that place."

20 Did Mr. Dylan say that?

21 A. Yes.

22 Q. Quote:

23 "In the old days, I could

24 get to it real quick."

25 Did Mr. Dylan say that?

17

1 A. Yes.

2 Q. Quote:

3 "I can't" -- c-a-n-'t, as

4 in cannot -- "I can't get to it like
5 that no more. It's not that simple."

6 Did Mr. Dylan say those words?

7 A. Yes.

8 Q. You continue, ma'am, quote:

9 "I mean, just being able to
10 shut yourself off for long periods of
11 time, where you're so isolated, no one
12 can get to you, mentally or
13 physically, you know."

14 Did Mr. Dylan say those words?

15 A. Yes.

16 Q. You continue, quote:

17 "You need to be able to do
18 that in order to come up with that
19 kind of stuff."

20 Did Mr. Dylan say that?

21 A. Yes.

22 Q. You continue, ma'am, quote:

23 "You're always capable of it

24 in your youth, and especially if

25 you're an unknown and nobody cares --

18

1 like if you're an anonymous person."

2 Did he say those words?

3 A. Yes.

4 Q. "He" being Mr. Dylan?

5 A. Right.

6 Q. You continue, quote:

7 "But once that all ends,

8 then you have to create not only what

9 you want to do, but you have to create

10 the environment to do it in, which is
11 double hard."
12 Did Mr. Dylan say those words?
13 A. Yes.
14 MR. KRAMER: Thank you. No further
15 questions.

The Associated Press filed a motion to block the production of the actual interview tape with Bob Dylan's voice.

1988 - Was the beginning of a trend in Dylan's career that documents his use of other songwriter's materials on his albums for profit.

1988 - Bob Dylan released the "Down In the Groove" album. Three of the songs on this album were newly written original songs by Bob Dylan, and one other one other was co-written with Robert Hunter of the Grateful Dead.

The other six or seven songs on "Down In The Groove" were songs taken from songs in the public Domain or traditional folk songs in which Dylan did not write.

There is a good chance that Dylan did not pay any royalties to the owners of these songs that he recorded, released to the public and profited from.

This also documents the fact that Dylan was not as prolific as he was in his earlier days and that he was in need of material.

In 1989 Bob Dylan released the "Oh Mercy " album. On this album there were similarities between Bob Dylan's material and Plaintiff James Damiano material.

On June 4th, 1990 James Damiano contacted a lawyer Thomas Ruff. Mr. Ruff wrote the following letter to Tony Tiller of CBS Records. A true and correct copy of this letter will be produced upon request.

Dear Mr. Tiller:

I write as a representative of James Damiano, who is now living in the Charlotte area. As you may recall, Mr. Damiano has written numerous songs and has submitted many of them to you. He has also submitted material to Bob Dylan on three occasions and receipt of those materials has been acknowledged.

James presently feels that there is no point in waiting for further progress on the question of producing his work. He would like to contact other companies and artists in this regard. He feels that it would be best if he recovered the previously submitted materials.

I would appreciate your reviewing this situation at your earliest convenience. If there is any reason for you to retain the works let me know. If you know any reason for Dylan's retention of works submitted to him, I would also appreciate hearing from you. Otherwise I will look forward to receiving the previously submitted materials at your earliest convenience.

Sincerely, Thomas C. Ruff. Jr.

Mr. Ruff told me he was surprised that Mr. Tiller disregarded his letter.

Tony Tiller neither sent the material back or contacted Tom Ruff.

When I talked to Tony Tiller on the phone he told me that the songs were safe with him and that I would be better off if I left them with him in his office.

He told me that if someone stopped at his office, they would be able to hear the songs or read the lyric sheets.

October 31, 1990.

On October 31, 1990 - Bob Dylan was playing a concert at Owens Auditorium in Charlotte North Carolina. Tony told me that there were complimentary tickets for me at the ticket window and asked me to bring some more of my songs to Bob Dylan.

I called a few friends and asked them if they would like to go to the concert with me. One of the friends was Tom Ruff. I picked up the tickets and went to the area where the buses were parked. I had an envelope in my hand. In the envelope were lyric sheets of my songs. In my pocket I had two white cassette tapes of my music.

Four people approached me and asked me if I would like for them to give Bob Dylan the package of songs. One of those people told me his name was Richard Fernandez and that he was Bob Dylan's tour manager. Tom Ruff had advised me not to give the songs to anyone, not even Bob Dylan.

Tom Ruff also advised me, that I should tell anyone from Dylan's organization who wanted me to give the songs to them, that I was legally advised to say that I will not give them the songs but, that if Bob Dylan wanted to see the songs that I was willing to go back to the hotel room and let Dylan see them. That is what I told these four people that approached me.

I was then approached by another person who asked me if I wanted to meet Dylan's bus driver. I knew that they were controlling the situation so I went along with him. We walked over to a bus that was an older bus and parked off in the distance.

As we approached the bus there was a man looking out the front window. The man I walked over to the bus motioned to the man looking out the window for him to come down off the bus.

He came off the bus, walked over to us and was introduced to me as Tom Masters. We talked for about fifteen minutes and I explained that Tony Tiller told me to bring these songs here tonight.

Mr. Masters told me he was unable to take the songs. I then told Mr. Masters that I was legally advised to not give the songs to anyone but that if Dylan wanted to see the songs that I was willing to go somewhere to let Dylan see them.

Mr. Masters said Bob could not do that. We talked a little while longer and Tom told me that he had to leave. We shook hands, he turned around, took a couple of steps, stopped and turned around toward me and said "But if you want me to give the songs to Bob I will." I responded to Tom's remark and said "I told you that I can't give you the songs but here are two tapes of my music." as I handed him two tapes.

Tom Masters took the tapes and got on the bus.

Copies to the tickets at Ovens Auditorium are displayed below:

ORCHESTRA	
3700 E. INDEPENDENCE	OCT 31 10:00CH
CELLAR DOOR PRESENTS	8:00P R/C
BOB DYLAN	R/C J 11
11 1990	10-31 J
10:00	11

ORCHESTRA	
3700 E. INDEPENDENCE	OCT 31 10:00CH
CELLAR DOOR PRESENTS	7:30P L/C
BOB DYLAN	L/C H 3
7:30P MED OCT 31 1990	10-22 H
10:00	3

ORCHESTRA	
3700 E. INDEPENDENCE	OCT 31 10:00CH
CELLAR DOOR PRESENTS	8:00P R/C
BOB DYLAN	R/C J 10
11 1990	10-31 J
10:00	10

ORCHESTRA	
3700 E. INDEPENDENCE	OCT 31 10:00CH
CELLAR DOOR PRESENTS	7:30P L/C
BOB DYLAN	L/C H 4
7:30P MED OCT 31 1990	10-22 H
10:00	4

The tapes included plaintiff's song "Steel Guitars" also identified as "Dignity" on plaintiff's 1982 copyright registration. Other versions of "Steel Guitars" however had been previously submitted to John Hammond and Mikie Harris in 1982, 1983, 1984, 1985, 1986 and 1987.

"Steel Guitars" (also identified as "Dignity" on James Damiano's 1982 copyright registration) was also submitted to Tony Tiller and Dylan associate's in 1987 and 1988.

Bob Dylan recorded "Dignity" in 1989 but he did not register his copyright of "Dignity" until December, 1991

One of the people who approached me that night, before I was introduced to Tom Masters was Richard Fernandez. Richard gave me an address in Beverly Hills to send material to. I sent materials certified mail to that address with return receipt requested. Richard Fernandez was also deposed:

SENDER: • Complete items 1 and/or 2 for additional services. • Complete items 3, and 4a & b. • Print your name and address on the reverse of this form so that we can return this card to you. • Attach this form to the front of the mailpiece, or on the back if space does not permit. • Write "Return Receipt Requested" on the mailpiece below the article number. • The Return Receipt will show to whom the article was delivered and the date delivered.		I also wish to receive the following services (for an extra fee): 1. ☐ Addressee's Address 2. ☐ Restricted Delivery Consult postmaster for fee.	
3. Article Addressed to: Richard Fernandez 275 South Beverly Drive Suite 215 Beverly Hills, California 90212 <i>CW Anderson</i>		4a. Article Number P 748 400 276	
4b. Service Type ☐ Registered ☐ Insured ☒ Certified ☐ COD ☐ Express Mail ☐ Return Receipt for Merchandise		7. Date of Delivery 10/06/91	
5. Signature (Addressee)		8. Addressee's Address (Only if requested and fee is paid)	
6. Signature (Agent)			

Is your RETURN ADDRESS completed on the reverse side? ☐

PS Form 3811, December 1991 • U.S.G.P.O.: 1992-307-530

DOMESTIC RETURN RECEIPT

Thank you for using Return Receipt Service.

His testimony verified that Tom Masters was on tour with Bob Dylan and Richard Fernandez in 1990 and 1991 in which Bob Dylan played Ovens auditorium on that tour.

Mr. Fernandez's testimony also verified that Mike Reed was part of Bob Dylan's entourage.

12 Q. Okay. Have you ever been in an
13 auditorium in Charlotte which I believe is called
14 Ovens Auditorium?

15 A. Not to my knowledge. I don't
16 remember that. Is it on a campus or anything do
17 you know or is it --

18 Q. I don't know.

19 A. Ovens Auditorium, I don't remember
20 Ovens Auditorium.

21 Q. Have you ever been in Charlotte?

22 A. Oh, yes.

23 Q. Have you ever been in Charlotte with
24 Bob Dylan?

25 A. I believe so, yeah.

18 Q. Mike Reed?

19 A. Mike Reed, yes. Mike Reed was a
20 truck driver. He has done a couple of different
21 tours.

22 Q. Any with you?

23 A. Pardon?

24 Q. Any with you?

25 A. Yes.

12

1 Fernandez

2 Q. Which tours with you?

3 A. I think he worked a Tom Petty tour
4 with me. I think he may have worked a Yes tour
5 with me, and I think he was on a Bob tour with me.

6 Q. When you say a Bob tour, a Bob Dylan
7 tour?

8 A. Bob Dylan tour.

Bob Dylan recorded "Dignity" in 1989.

Although Dylan recorded "Dignity" in 1989 he did not release it until December of 1994, almost five years later.

Articles appeared on the internet stating that although Dylan finally had a hit song again he did not play it at any of his concerts while on tour.

Note: Normal music business operations in the music industry is that when a band has a hit song, it tours on that song, meaning that the reason for the tour is to promote the album or in this case being that "Dignity" was the only newly written original song Dylan had released in almost four years, the song.

Note: If Dylan had toured with the intention of promoting his new material the "Dylan unplugged" video and CD and his "Bob Dylan Greatest Hits Volume 3" CD (which "Dignity" was the only newly written original song on the CD and video) , it is indisputable that "Dignity" bridged Bob Dylan's career from 1990 to 1997, when his fans were aware that he had not released a new song in three years and eleven months.

Please note that after Dylan released "Dignity" in November of 1994 he had not released another newly written original song for another four years until 1998 on the "Time Out Of Mind CD"

One must also wonder if it is true why Dylan had not played "Dignity" on his tour after it was released..

1993 - No newly written original songs by Bob Dylan. Album released by Dylan, was "World Gone Wrong"



Honest about

The lies he tell

Lies about

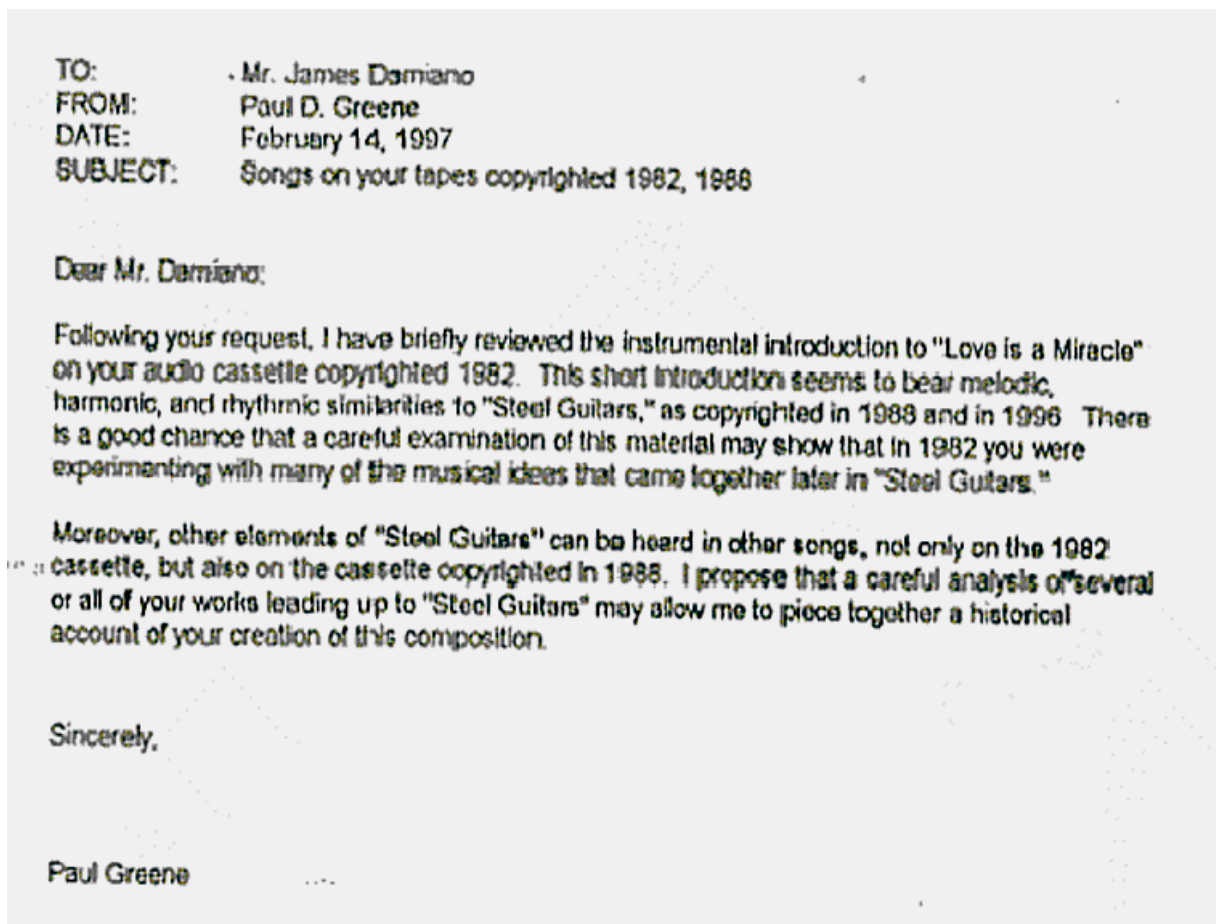
The religion

He sells

Plaintiff James Damiano's musical expert in this litigation Doctor Green who Graduated Magna Cum Laude from Harvard University reports:

Dear Mr. Damiano:

Following your requests, I have briefly reviewed the instrumental introduction to "Love is a Miracle" on your audio cassette copyright 1982. This short introduction seems to bear melodic, harmonic, and rhythmic similarities to "Steel Guitars"(also identified as "Dignity" on James Damiano's 1982 copyright registration) , as copyrighted in 1982 and 1988.



There is a good chance that a careful examination of this material may show that in 1982 you were experimenting with many of the musical ideas that came together later in "Steel Guitars"(also identified as "Dignity" on James Damiano's 1982 copyright registration) . Moreover,

other elements of "Steel Guitars" can be heard in other songs, not only on the 1982 cassette, but on the cassette copyrighted in 1988.

I propose that a careful analysis of several or all of your works leading up to "Steel Guitars" may allow me to piece together a historical account of your creation of this composition.

Sincerely Paul Green

Twelve years later Bob Dylan was nominated for a Grammy, for a song titled "Dignity" copyrighted by Dylan in 1991.

Judge Simandle writes in his opinion concerning access "Plaintiff asserts that 'the bulk of his life's work' was submitted to Sony beginning in 1982.(Complaint. At 2) .

He also alleges that he was told to bring his songs to several concerts which he attended courtesy of Sony. Plaintiff has produced evidence that after these concerts, he was allowed backstage and gave his work to Dylan or his agents. (Damiano Declaration. At 2, 5, ; Deposition of Pam Damiano at 77-84, 97-104: Deposition of Brad Wright at 105-112)."Taking these allegations as true, plaintiff has demonstrated a genuine issue of material fact as to whether defendants had access to his work."

"Plaintiff asserts that 'the bulk of his life's work' was submitted to Sony beginning in 1982.(Complaint. At 2) . He also alleges that he was told to bring his songs to several concerts which he attended courtesy of Sony. Plaintiff has produced evidence that after these concerts, he was allowed backstage and gave his work to Dylan or his agents. (Damiano Declaration. At 2, 5, ; Deposition of Pam Damiano at 77-84, 97-104: Deposition of Brad Wright at 105-112)."Taking these allegations as true,

plaintiff has demonstrated a genuine issue of material fact as to whether defendants had access to his work."

Judge Simandle also states "This court will accept as true plaintiff's allegations that Sony represented to him that he would be credited and compensated if Dylan used his work."

"This court will accept as true plaintiff's allegations that Sony represented to him that he would be credited and compensated if Dylan used his work."

Doctor Green a musicologist who graduated Magna Cum Laude from Harvard University states that there is a recurring vocal melody in the song "Dignity" released on Bob Dylan's 1994, MTV Unplugged album that is strikingly similar to James Damiano's song "Steel Guitars" (also identified as "Dignity" on James Damiano's 1982 copyright registration) that was copyrighted in 1988 and recorded with studio musicians in 1986 and who have submitted declarations to the court.

Paul D. Greene

614 S. 48th St.
Philadelphia, PA 19143
(215) 748-0165
pgreene@mail.sas.upenn.edu

1995 University of Pennsylvania Ph. D. in the Anthropology of Music.

1989 Harvard University B. A. in Music, *Magna Cum Laude*.

Areas of expertise: Ethnomusicology, Cultural Studies, Jazz,
Popular Music, Western Classical Music,
Indian Music, South Asia, Anthropology of
Complex Societies, and Gender Studies.

EMPLOYMENT

1993-95 Lecturer, The Pennsylvania State University.

Campuses: Abington-Ogontz Campus
Delaware County Campus

Courses taught: Music 5: Introduction to Western Art Music.
Music 7: Evolution of Jazz.
Music 9: Introduction to World Music.
Integrative Arts 298C: Sociology of Rock 'n' Roll.

Director of the Visiting Musical Lecture Series in World Music at both
campuses.

1990 Musical Investigator, American Society of Composers, Authors, and
Publishers (ASCAP).

Worked for one month (July) in eastern North Carolina investigating music
copyright infringements by entertainment and drinking establishments.

Doctor Green further states that the melodic arc found in both "Dignity" and "Steel Guitars"(also identified as "Dignity" on James Damiano's 1982 copyright registration) is more than just a collection of shared pitches. It seems to embody the melodic shape or character of both compositions. When played on it's own, it sounds like both compositions."

Someday maybe

You'll be able to tell

The greatest story

Say the greatest line

Give the greatest performance

Find the greatest find

Doctor Green / Harvard University / "Steel Guitars" / Continued

Bob Dylan creation materials, produced March 1, 1996.

Defendants wrote to Judge Rosen :

"During discovery, Bob Dylan will be producing, inter alias, unpublished and extremely valuable tape recordings and written lyrics which document the evolution and independent creation of Mr. Dylan's musical compositions which are at issue in this case. These materials are highly confidential and proprietary in nature because they were created during private, songwriting sessions. These materials have never been never been released to the public in any manner."

enter original

Please note: The above letter of March 1, 1996 was sent to Judge Rosen only after Defendants and Plaintiff exchanged copyrights to compare the date of registration for the respective songs at issue in this case.

In other words would defendants have had to write this letter to the court if Dylan's copyrights predated Damiano's copyrights ?

The creation materials defense / Plaintiff's expert Doctor Green reports.

While Dylan and his attorneys claimed to have produced inter alia never before published Dylan creation materials Doctor Green again asserts in his declaration:

"The [creation materials] tapes seem to document the experimentation with and creation of the lyrics, style and instrumentation of "Dignity" but not the creation of the melody."

"Therefore I conclude that the melody of 'Dignity' was actually created before the production of the Dylan creation tapes."

Doctor Green also states in his analysis:

" The musical features I find similar in "Steel Guitars" (also identified as "Dignity" on James Damiano's 1982 copyright registration) and "Dignity" therefore seem to me to be quite rare in the corpus of popular music."

"Of all the compositions I examined for this report, I find that the composition most similar to "Dignity" in terms of the melodic and formal features specified in Section 1 is "Steel Guitars."

In *Bright Tunes Music Corp. vs. Harrisongs Music Ltd.*, 420 F. Supp. 177 (SDNY 1976), *aff'd*. *Abkco Music vs. Harrisongs Music*, 722 F.2d 988 (2nd Circuit 1983) , Beatle George Harrison unsuccessfully contended

that the phrases in question were trite. The Second Circuit upheld the lower court's finding of liability holding that it was a question of fact as to whether the two works were similar in any substantial way. In *Bright Tunes*, the court found that the repetition of two short, basic musical phrases, sol-la-do-la-do, created a "highly unique pattern" sufficiently original to be protected by copyright, although each standing alone was in the public domain. 420 F. Supp. at 178.

Plaintiff's argument about [public domain] is that the melodic arc in George Harrison's song was a common melodic arc that had been played on the radio many times in many different songs. Harrison claimed that he must have heard it on the radio and subliminally he wrote the song or that the melody line was a common musical or blues cliché..

However the court still found Harrison guilty and he lost the suit in court.

I was told forty eight people have been deposed in this litigation . Some of who were in Dylan's entourage.

When asked by plaintiff's attorney "Have you ever lied to Mr. Damiano?", Elliot Mintz a ten year associate of Bob Dylan's who is responsible for Bob Dylan's media relations replied "Yes". Mr. Mintz's deposition is one hundred and eighty seven pages long. Mr. Mintz also testified that he had almost a half a dozen conversations with James Damiano and that after keeping James Damiano's songs for over a year he "Shredded" them.

Also stating under oath that he recalled giving Mr. Damiano his fax number. [page 67 par. 15]

By plaintiff's attorney:- Do you recall ever giving Mr. Damiano your fax number?

By Elliot Mintz - Yes.

Numerous recorded conversation between James Damiano, CBS and Dylan's entourage have been produced to the defendants in this litigation. Discovery is well over three thousand pages.

Plaintiff's attorney asserts that : Professor Green also discovered from a review of the so called Dylan creation materials that there are actually no Dylan creation materials for the melody at all. Professor Green states: "The [creation materials] tapes seem to document the experimentation with and creation of the lyrics, style and instrumentation of "Dignity", but not the creation of the melody. Therefore I conclude that the melody of "Dignity" was actually created before the production of the Dylan creation tapes.

Professor Green concludes: "Because the shared melodic arc of James Damiano's "Steel Guitars (aka "Dignity") and Bob Dylan's "Dignity" is rare in popular music, I conclude that similarities between the two songs are not due to common incorporation of melodic clichés of the blues or folk-rock music. So, either Damiano and Dylan arrived at similar melodies independently, or one musician was influenced by the other. Since "Steel Guitars" predates both "Dignity" and the Dylan creation materials, and since the Dylan creation materials do not document an independent creation of the "Dignity" melody, I conclude there is a very good chance that the melody "Dignity" may be based on that of "Steel Guitars."(also identified as "Dignity" on James Damiano's 1982 copyright registration) .

"Dignity" was the "Hit" off both the "Bob Dylan Unplugged" album and the "Bob Dylan's Greatest Hits Volume 3" album.

Bob Dylan was in need of a commercially viable song. It had been twenty years since Bob Dylan released "Knockin On Heaven's door" which was last hit song, released in 1974.

Sometime after the Ovens Auditorium concert Tom Masters called me at my home. I was not there but my Mother in law who was visiting at the time answered the phone and told him that I was not there.

A couple weeks later Tom Masters called again. He told me that he had some friends over and that they just listened to my tape. He told me one of my tapes was still on Bob Dylan's tour bus. I asked him if Bob heard the tape and he replied "Yeah Bob heard it and he thought it was good." I said "really?" and Tom said "Yeah Bob liked it."

I asked Tom "Is Bob There now?" Tom replied "No." When out of the clear blue sky Tom asked me where the songs were that I said I was going to send him. I didn't know what he was talking about because I thought that we had already established the fact that I was not going to send any more of my songs as per Tom Ruff's advise.

I told Tom "I told you I wasn't going to send anymore material." Tom then said "Oh I thought you told me you were going to send me songs" I replied "Tom, how can I send you songs when I don't have your address?" Tom replied "Oh, well if you want to send them my address is"[and he gave me his address.]

I had no receipts for all the material that I submitted to Bob Dylan so I decided to send the songs to Tom Master's certified mail with return receipt requested.

On January 18, 1991 and January 20, 1991,, someone at Tom Masters's address signed for James Damiano's songs.

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.
Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check boxes for additional service(s) requested.

1. ☐ Show to whom delivered, date, and addressee's address. (Extra charge)
2. ☒ Restricted Delivery (Extra charge)

3. Article Addressed to:

Tom MASTERS
Box 575
TESQUE NEW MEXICO
87574

4. Article Number
P294017503

Type of Service:
☐ Registered ☐ Insured
☐ Certified ☐ COD
☒ Express Mail ☐ Return Receipt for Merchandise

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature - Addressee
X *Tom Masters*

6. Signature - Agent
X

7. Date of Delivery

8. Addressee's Address (ONLY if requested and fee paid)

TESQUE NM
JAN 19 1991
SP8

Form 3811, Apr. 1989 U.S.E.A.S. 1000-220-010 DOMESTIC RETURN RECEIPT

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.
Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check boxes for additional service(s) requested.

1. ☐ Show to whom delivered, date, and addressee's address. (Extra charge)
2. ☐ Restricted Delivery (Extra charge)

3. Article Addressed to:

Tom Masters
Box 575
Tesque N.M.
87574

4. Article Number
P416661619

Type of Service:
☐ Registered ☐ Insured
☐ Certified ☐ COD
☒ Express Mail ☐ Return Receipt for Merchandise

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature - Addressee
X

6. Signature - Agent
X *Tom Masters*

7. Date of Delivery

8. Addressee's Address (ONLY if requested and fee paid)

TESQUE NM
JAN 19 1991
SP8

Form 3811, Apr. 1989 U.S.E.A.S. 1000-220-010 DOMESTIC RETURN RECEIPT

On January 20, 1991, I (James Damiano) received a letter from Tom Masters transcribed below:

Dear Jimmy:

I received the certified letter with your lyrics, which I am returning to you. I am flattered of course that you picked me to send them to, but let me reiterate the following:

I am Bob's bus driver no more. He does not discuss his music with me. I take care of the bus and he takes care of the music. People hand me tapes all day long. hoping that Bob will listen to them. I tell them exactly what I am telling you. Please do not send me anymore lyrics or tapes. They will be returned unopened or thrown in the trash.

I wish you the best in your musical endeavors, however I am not the contact you think I am and I am requesting that you neither call nor send me anymore of your work.

The best of luck to you,

Sincerely

Tom Masters.



Tom Masters
PO Box 1000
Tomball, TX 77375

January 20, 1991

Dear Jimmy,

I received the Certified Letter with your lyrics, which I am returning to you. I'm flattered of course that you picked me to send them to, but let me reiterate the following:

I am Bob's bus driver, no more. He does not discuss his music with me. I take care of the bus, and he takes care of the music. People hand me tapes all day long, hoping that Bob will listen to them. I tell them exactly what I am telling you. Please do not send me any more lyrics or tapes, they will be returned unopened or thrown in the trash.

I wish you the best in your musical endeavors, however, I am not the contact you think I am, and I am requesting that you neither call nor send me anymore of your work.

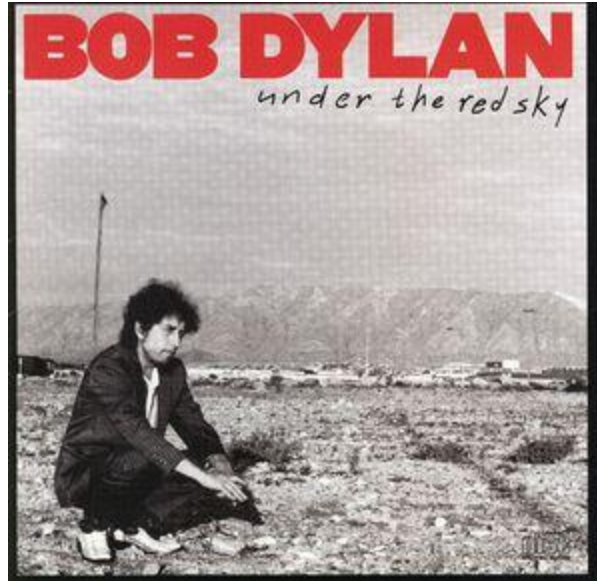
The best of luck to you.

Sincerely,

Tom Masters

Tom Masters

1990 Bob Dylan releases "Under the Red Sky" album. Similarities exist between James Damiano's material and Bob Dylan's material.



On 1/30/91 January 30, 1991 Bob Dylan's publisher Jeff Rosen's office signed certified mail for James Damiano's songs and this is not the last time.

On June 19, 1991 Elliot Mintz of Dylan's organization signed certified mail receipt for James Damiano's songs.

[Enter all certified mail receipts Bob Dylan, Elliot Mintz and Jeff Rosen]

[Enter Tom Masters recorded phone conversations]

{Enter Tony Tiller recorded phone conversations 1 through 12}

{Enter Elliot Mintz Mikie Harris / recorded phone conversations }

1 BEVERLY HILLS, CALIFORNIA;
2 THURSDAY, MAY 30, 1996, 3:01 P.M.

3
4 THE VIDEO OPERATOR: This is the
5 videotaped deposition of Elliot Mintz in the
6 matter of Damiano versus Sony Music and Bob
7 Dylan. Today's date is May 30th, 1996. The time
8 is 3:01 p.m. This recording is taking place at
9 9606 Santa Monica Boulevard, in Beverly Hills,
10 California. My name is Jeff Minger, a notary
11 public in the state of California. I represent
12 Kerns and Gradillas Video Service, located at 9320
13 Wilshire Boulevard in Beverly Hills, California.
14 This deposition is being videotaped on behalf of
15 the plaintiff. I am neither counsel for, nor
16 employed by or related to any party in this
17 action, nor am I interested in the outcome
18 thereof.

19 Counsel, please introduce yourselves
20 and state your appearances.

21 MR. KRAMER: Steven Kramer for the
22 plaintiff.

23 MR. SNYDER: Orin Snyder and soon to
24 be joined by Steven Hayes for Sony Music
25 Entertainment and Bob Dylan.

5

KERNS & GRADILLAS CERTIFIED SHORTHAND REPORTERS
(310) 556-1136

1992 No newly written original songs by Bob Dylan. Album released "As Good As I've Been To You."

The following recorded phone conversation between Tony Tiller and James Damiano recorded on December 5th, 1992 was produced to Judge Simandle by Plaintiff's attorney.

Tony - Hello

James - Anthony?

Tony - Hi.

James - Hello.

Tony - Hi, how are you.

James - Boy you're a hard guy to get a hold of.

Tony - You didn't call me back yesterday.

James - Yes I did, you left.

Tony - What time did you call? James - About five minutes after. You were on the line to Germany or something.

Tony - Gee well it's unfortunate that you choose right now to call.

James - Oh really. I just need to ask you a fast question. I'm going to Nashville. I wrote a book. Remember when you said that when you got a promotion, that if it was in A&R, that I would have been the first person

you would sign? Would you write me a letter to that effect before I go. I'm going in two weeks, to meet some people in Nashville about my songs. Could you write me a letter just so when I get down there I could show them that they Or at least you were serious about the music.

- Yeah"

James - Thank you I really appreciate that.

Tony - But I really have to go now.

James - I'm sorry.

Tony - The other call is costing a mint while they're on hold and I'm hoping they will still be there when I get back.

James- Let me ask you one more question. Did Mitch call you?

Note : Mitch Berman works for Bob Dylan and in all the recorded conversations emphatically denies knowing Tony Tiller of CBS Records. Mitch Berman is also know as Elliot Mintz.

James - Let me ask you one more question. Did Mitch call you?

Tony - Um recently?

James - Yeah.

Tony - No.

James - I wrote a book. Is it all right to put in the book that you told me to go back stage at Jones beach to give Bob Dylan the material?

Tony - Uh No.

James - Don't put that in the book?

Tony - No.

James - I'm sorry?

Tony - No do not.

James - Why can't I put that in the book?

Tony - No, because that would make me as an employee of the company liable for telling you to do that, and that would be uncool.

James - Okay.

Tony - But I have to go now.

James - Okay Ant.

Tony - I will talk to you soon.

James - Okay thanks.

All information contained within this document w Dylan and Sony Music Entertainment), no less than three and a half years ago. Plaintiff wishes toas produced to defendants during discovery in case CV 9547-54 (JBS), ((James Damiano vs. Bob note that the defendants have not denied any of the issues of fact stated herein with specificity concerning all chronological events concerning correspondence between parties and witness

Racism,
A diversion of reality
That the worst segregation
In the world today

Is not between
Black or white men
Muslims or Christians
But between the
Rich and the poor

Bob Dylan has pertinent information concerning allegations brought forth by his attorney's on his behalf and must come to court to answer pertinent questions concerning his Motion to hold plaintiff James Damiano in contempt for alleged violations of Judge Joel B. Rosen's order designating all discovery materials as confidential.

See below notice for Bob Dylan to appear.

On November 11, 1999 Bob Dylan was subpoenaed to court and never showed

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

JAMES DAMIANO

VS.

CV95-4795 (JBS)

BOB DYLAN. ET AL

NOTICE TO APPEAR

VIA FAX
AND MOTION

Please take notice that plaintiff, James Damiano shall subpoena Bob Dylan on November 11, 1999 at 1:30 PM, at One John F Gerry Plaza, Camden New Jersey, 08010 to testify in the above case in reference to defendants motion to hold plaintiff James Damiano in contempt for violations of Judge Joel B. Rosen's order for confidentiality.

Subpoena attached. James Damiano_____

Dated 11/11/99

CERTIFICATE OF SERVICE

James Damiano certifies that he served the foregoing notice to appear to Steven D. Johnson counsel for Bob Dylan.

James Damiano_____
Parcher hayes 382 0200

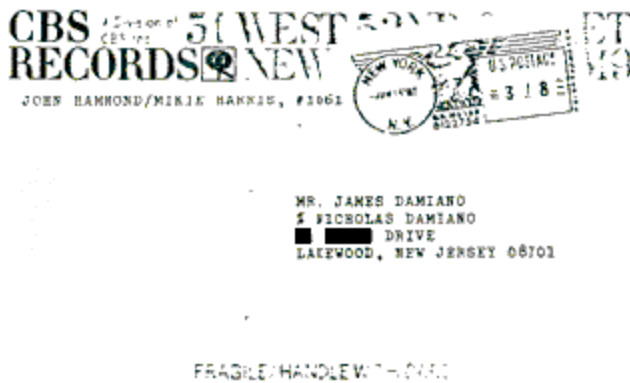
Elliot Mintz



Deposition of Elliot Mintz

<https://www.youtube.com/watch?v=k1WXf4afHQM>

<https://www.youtube.com/watch?v=9v1J5GcXg1Y>



Elliot Mintz Bob Dylan's media relations manager told me his name was Mitch Berman and was signing for my songs at Bel Aire address.

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece next to the article number.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

MITCH BIZMAN
2934 1/2 Beverly Glen Circle 412
Bel Air California
90077

4a. Article Number
P. 412-664-036

4b. Service Type

- | | |
|---|---|
| ☐ Registered | ☐ Insured |
| ☒ Certified | ☐ COO |
| ☐ Express Mail | ☐ Return Receipt for Merchandise |

7. Date of Delivery**5. Signature (Addressee)**

[Signature]

6. Signature (Agent)

JUN 10 1991

8. Addressee's Address (Only if requested and fee is paid)

PS Form 3811, October 1980

U.S. GPO: 1980-573-051

DOMESTIC RETURN RECEIPT

I was also given Bob Dylan personal PO Box in New York to send songs to

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- ☐ Addressee's Address
- ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

Bob Dylan
P.O. Box [redacted] NY

4a. Article Number

4b. Service Type

☐ Registered ☐ Insured
☐ Certified ☐ COD
☐ Express Mail ☒ Return Receipt for Merchandise

7. Date of Delivery

8. Addressee's Address (Only if requested and fee paid)

5. Signature (Addressee)

6. Signature (Agent)

PS Form 3811, December 1991 U.S.G.P.O. : 1992-307-530 DOMESTIC RETURN RECEIPT

Thank you for using Return Receipt Service.



Got Bob Dylan and Plagiarism

To Catch a Master Thief

by Alexander T. Deley / December 12th, 2013

A tired adage states that: “talent borrows but genius steals.” This has certainly been true of the folk tradition in which homage and the borrowing of ideas has always been an integral part. Folk musicians – most notably Bob Dylan, have always sprinkled their work takings from the tradition, giving their work added depth and imbuing it with a sense of timelessness. Dylan’s work has varied in quality and in subject matter over-time, but has remained firmly rooted within this folk tradition, borrowing the odd-melody here or phrase there, but often creating new work, within new contexts that has often amounted to more than the sum of its parts. Somewhere along the line, and most evident in his album *Modern Times* and his memoir *Chronicles Vol. 1*, Bob Dylan appears to have crossed a line and has resorted to plagiarism.

It can be said that the work of a great artist should be beyond seemingly petty nit-picking, however, when the work of a great artist is no longer truly his own, does that person cease to be a great artist? It can be argued that what Dylan is now doing – namely the naked theft of the work of others – has reduced him in stature. Intellectual and artistic honesty remain some of the most important features within a free society. It is taken as natural that someone should be recognized for the excellence of their work and reap whatever benefits producing said work rewards. Similarly, the naked theft of the work of others, in whole or in part, is to be scorned. It is dishonest in that it represents not only intellectual dishonesty, but also intellectual laziness. Genuine insight and especially the sort of word-craft that alight the senses are difficult to produce with regularity and require not only-talent, but continual work and refinement of craft. It, in the end, plagiarism is so immoral because it is a form of cheating – hence the vitriol and anger normally directed

towards plagiarists upon the discovery of their malfeasance. We all like to think that when someone produces a piece of work, it is their ideas – or at least their perceptions or spin on ideas – that are being represented. Plagiarism’s vulgarity stems from the idea that, in accepting work falsely passed off as one’s own, it challenges our collective integrity.

The brilliance of much of Dylan’s early work is beyond dispute – here was someone who was able to make-up for his utter lack of musicianship through brilliance as a word-smith and managed to root his lyrics deeply in a tradition that added delicious context to his work. Albums such as *Bringing It All Back Home* and later, *Blood on the Tracks* featured brilliant manipulation of folk traditions to produce songs of strong social and personal resonance. He was also a sharp social critic, pointing towards the ills of society in the finest folk tradition with songs such as “The Lonesome Death of Hattie Carol” and “Hurricane”. His mastery of word-play was absolute and hinted towards numerous literary and poetic traditions more so than towards musical ones. His songs spoke to both the spirit of the times and Dylan (and the artistic persona he created for himself). Dylan’s tendency towards self-mythology further strengthened his work by casting him as all the more part of a grand tradition. He became a voice of the ages, not simply of a generation. This bred obsessive, often humorless followers who hung upon Dylan’s every word. Despite this, his muse burned bright, and even his self-consciously ‘bad’ albums, notably – to throw the obsessive’s off the scent – including the much reviled *Self-Portrait* brimmed with ideas and intelligence.

Sometime in the late 70s or early 80s – while Dylan was at the height of a drunken depression that eventually saw him ‘save’ himself by becoming a ‘born-again’ Christian, and eventual seeming acquiescent return to Judaism, his muse seems to have dried up. Throughout the 80s and early 90s, Dylan produced a series of poorly received records bearing little resemblance to his old work. The music he produced on albums such as *Infidels* and *Saved* included everything from inane Zionist propaganda (“Neighborhood Bully”) to simplistic retellings of Biblical creation stories (“God Gave Names To All The Animals”). While this period saw the odd

splash of the old genius (notably the moving “Dark Eyes” on the not so moving *Empire Burlesque* and the funny though admittedly 80s sounding “Brownsville Girl” on *Knocked Out Loaded* –considered by many to be Dylan’s worst record) something appeared to be missing.

Dylan appears to have briefly experimented with writing ‘list songs’, where a theme is repeated down a list (i.e. “Everything’s Broken” and “Most of the Time”) to some affect on 1989’s *Oh Mercy*, which received positive reviews and was heralded as something of a come-back, but this gimmick had already begun to wear thin on 1990’s *Under the Red Sky*, which was critically savaged.

Dylan then defied many of his critics by recording two solo albums in rapid succession of old folk and blues standards. *Good As I Been To You* and *World Gone Wrong* were remarkable in that they seemed to show Dylan both re-immersing himself in the material that had inspired him in the early 60s, but also in that his musicianship on the albums appeared to be far more impressive than anything he had previously, or would thereafter, produce. This was followed-up by 1997’s intelligent, though slightly morbid – especially in light of Dylan’s subsequent near-fatal heart infection that he was treated for around the time the album came out – *Time Out of Mind*.

Dylan remained inactive until 2001 when he released “Love and Theft”- considered by many to be the best album Dylan had produced in decades and receiving a Five-Star review in *Rolling Stone*, the first of which the magazine had awarded in over a decade. The album’s September 11th release date further cemented the importance of the album as many of Dylan’s lyrics on the record– largely about loss and renewal – seemed to speak to the immediacy of the tragedy.

“Love and Theft” was also notable as being the first of Dylan’s albums in some time where clear literary-lifting was identified. The *New York Times*¹ and *San Francisco Chronicle* identified several lines that Dylan had taken verbatim from the English

language translation of Dr. Junichi Saga's 1991 Japanese gangster memoir, *Confessions of a Yakuza*. These lines included: "my old man was like some kind of feudal lord", "why don't you shove off if it bothers you so much", "my uncle did a lot of nice things for me and I won't forget him", and "What's the use if you can't stand up to some old businessman?". While the *New York Times* article argued that what Dylan did was closer to "cultural collage" than to plagiarism the publication asked more questions with the release of 2006's *Modern Times*.²

Modern Times was notable in that it saw Dylan make considerable use of the poems of Confederate Poet Henry Timrod as lyrical fodder. Many of Dylan's lyrical constructions and exact phrasings were shown to be direct borrows from Timrod, as well as from other sources including the Ovid. Further, the songs seemed to lack focus and felt as though they were simply assembled from snippets of various sources rather than carrying the crisper narratives that characterized Dylan's earlier work.

The liner notes carried no notation or footnotes on sources. Indeed, the songs were credited as "Words and music by Bob Dylan" a point that was particularly glaring as almost every single song on the album was a reworking of an old blues, jazz or R & B number. For example, "Rollin' and Tumblin'" was little more than the addendum of some new lyrics to the Muddy Waters' arrangement of the blues standard of the same name, "Beyond the Horizon" was identical musically and similar lyrically to "Red Sails In The Sunset", "When the Deal Goes Down" was musically identical to the Bing Crosby hit "Where The Blue of the Night (Meets The Gold Of The Day)", "Thunder on the Mountain" and "When the Levee Breaks" were borrowed Memphis Minnie numbers, "Ain't Talkin'" a remake of the Stanley Brothers song "River of Regret" and so on. While some of this can be thought of Dylan's use of the folk tradition, the decision to credit the songs both lyrically and musically to himself is telling. In light of Dylan's satellite radio program, it is strange that Dylan would not opt to credit this music to its writers, some of whom are still alive if not living in

obscurity and likely could stand to earn royalties from their work following it's reuse.

More telling however, is Dylan's outright theft of material in writing his memoir *Chronicles*. The book appears to be a cleverly written account of various points in Dylan's life, including his initial arrival on the Greenwich Village folk circuit circa 1961, where he would go on to become a fixture and shortly thereafter make his name to his time in New Orleans in the late 80s when he recorded *Oh Mercy*. Critics were unanimous in praising Dylan for his recapturing much of the feel of the era as well as his clever turns of phrase. The problem was, many of these turns of phrase were pilfered from sources as diverse as the March 31, 1961 issue of *Time* magazine to novels by Jack London, Sax Rohmer and R.L. Stevenson among others.

Much of this information was turned up by posters on Bob Dylan fan forums rather than through mainstream media sources. The discovery of the below quoted passages from *Time* should all be attributed to Scott Warmuth posting as 'scottw' on the *Expecting Rain* forum, who was able to find them through the use of Google books.³ While Warmuth turned up a multitude of passages in *Time* that were re-used, with minor changes in *Chronicles*, I will only reprint four here which I feel are particularly telling ones:

Chronicles, p. 88:

Some women wanted to be called 'a woman' when they reached twenty-one. Some sales girls, or women, didn't want to be referred to as 'salesladies.' In churches, too, things were shaking up. Some white ministers didn't want to be labeled 'the Reverend.' They wanted to be called just plain 'Reverend.'

Time, Friday, Mar. 31, 1961: “The Press: The Reporter’s Guide”

The Los Angeles Times, concluding that all women aren’t ladies, ungallantly applies its conclusion: ‘A salesgirl or a saleswoman is not a saleslady, and a washerwoman is not a washlady, so a scrubwoman cannot be a scrublady... ..In the Memphis Commercial Appeal if a minister is white, he is ‘the Rev.,’ if Negro he is simply ‘Rev.’

Chronicles, p. 88:

Reputable psychiatrists were saying that some of these people who claimed to be so against nuclear testing are secular last judgment types — that if nuclear bombs are banned, it would deprive them of their highly comforting sense of doom.

Time, Friday, Mar. 31, 1961: “The Anatomy of Angst”

“For many Bomb worriers, it seems to be a true phobia, a kind of secular substitute for the Last Judgment, and a truly effective nuclear ban would undoubtedly deprive them of a highly comforting sense of doom.”

Chronicles, p. 90:

The dominant myth of the day seemed to be that anybody could do anything, even go to the moon. You could do whatever you wanted — in the ads and in the articles, ignore your limitations, defy them. If you were an indecisive person, you could become a leader and wear lederhosen. If you were a housewife, you could become a glamour girl with rhinestone sunglasses. Are you slow witted? No worries — you can be an intellectual genius.

Time, Friday, Mar. 31, 1961: “The Anatomy of Angst”

This leads to a kind of compulsory freedom that encourages people not only to ignore their limitations but to defy them: the dominant myth is that the old can grow young, the indecisive can become leaders of men. The housewives can become glamour girls, the glamour girls can become actresses, the slow-witted can become intellectuals.

Chronicles, p. 102:

“I don’t eat something that’s one third rat, one third cat and one third dog. It just doesn’t taste right.”

Time, Friday, Mar. 31, 1961: “Races: Recruits Behind Bars”

When pork appears on prison menus, Muslims disdain it... — One of Elijah’s more fanciful doctrines: the white man, especially the Jew, keeps the black man weakened by selling him the flesh of swine... The pig contains 999 specific germs, is actually one-third cat, one-third rat and one-third dog.

The issues seen here are further compounded by further revelations of Dylan’s borrowing, highlighted by Edward M. Cook on his *Ralph the Sacred River* blog.⁴

Chronicles, p. 167: Below are several passages from the dozens turned up by Cook:

“I cast an embracing glance over the primordial landscape...”

Jack London, *Children of the Frost*, p. 10:

“Rum meeting place, though,” he added, casting an embracing glance over the primordial landscape ...

Chronicles, p. 102: Dylan’s description of his friend Ray’s girl, Chloe Kiel:

“She was cool as pie, hip from head to toe, a Maltese kitten, a solid viper — always hit the nail on the head. I don’t know how much weed she smoked, but a lot.”

Mezz Mezzrow and Bernard Wolfe, *Really the Blues*, p. 167 :

“Baby this that powerful man with that good grass that’ll make you tip through the highways and byways like a Maltese kitten. Mezz, this is my new dinner and she’s a solid viper.”

Chronicles, p. 63:

“He didn’t need to say much—you knew he had been through a lot, achieved some great deed, praiseworthy and meritorious, yet unspoken about it.”

Jack London, *White Fang*, p. 298:

“He carried himself with pride, as though, forsooth, he had achieved a deed praiseworthy and meritorious.”

Chronicles, p. 127:

“I bought a red flower for my wife, one of the loveliest creatures in the world of women.”

R. L. Stevenson, Providence and the Guitar, *Complete Short Stories of Robert Louis Stevenson*, p. 203:

As Leon looked at her, in her low-bodied maroon dress, with her arms bare to the shoulder, and a red flower set provocatively in her corset, he repeated to himself for the many hundredth time that she was one of the loveliest creatures in the world of women.

The borrowings discovered there garnered a further response from Warmuth on Expecting Rain who turned up dozens of more cases of direct literary theft from Mezz Mezzrow and Bernard Wolfe's *Really the Blues*:

Chronicles, p. 103:

"Maybe someday your name will get around the country like wildfire," she'd say. "If you ever get a couple of hundred bucks, buy me something."

Really The Blues, p. 241:

I never tried to make a real business out of the gauge, but the demand for it just sprang up by itself, and even after giving the other guys their cut I always had a couple of hundred bucks come the end of the week. I was able to take care of Bonnie and her kid real good, with some new furniture in the house, plenty of clothes, and everything else they needed. My name was getting around the country like wildfire.

Chronicles, p. 47:

“The kind of people who come from out of nowhere and go right back into it — a pistol-packing rabbi, a snaggle-toothed girl with a big crucifix between her breasts — all kinds of characters looking for the inner heat.”

Really The Blues, p. 6:

“I found myself running with a literary ex-pug, a pistol-packing rabbi, and a peewee jockey whose onliest riding crop was a stick of marihuana.”

Really The Blues, p. 203:

“These two fly chicks got up on their high-horse when we quizzed them about it — one insisted she was pure Spanish, and sported a crucifix right over her breastworks to prove it...”

Really The Blues, p. 210:

“He had razor legs, snaggle teeth and dribble lips...”

Chronicles, p. 47:

“A frantic atmosphere — all kinds of characters talking fast, moving fast — some debonair, some rakish.”

Really The Blues, p. 212:

“...a light gray felt for me with the brim turned down on one side, kind of debonair and rakish.”

Also noted are several lifted passages from James M. Volo's *Daily Life in Civil War America* and several additional passages from other works including ones by Mark Twain, Marcel Proust and various by Jack London, including *The Call of the Wild*.

Warmuth has written himself about many of these uncovered passages and Dylan's method of work, noting in his piece "Bob Charlatan: Deconstructing Dylan's Chronicles Volume 1" published in the *New Haven Review*.⁵

Sometimes what Dylan has done with material from other sources is witty, crafty, and sly. Other times it's just sloppy. For instance, he works in some delicate touches where he recalls his meeting with the poet Archibald MacLeish, incorporating phrases from MacLeish's poem "Conquistador." In the same passage, though, many remarks that Dylan claims MacLeish made in conversation are lifted from MacLeish's introduction to *The Complete Poems of Carl Sandburg*, where Sandburg's own "Notes for a Preface" also appears. Dylan seems to have conflated the two, perhaps flipping pages and not realizing that MacLeish's words have ended and Sandburg's have begun, with the result that the "conversation" with MacLeish becomes a bizarre mix of the voices of both MacLeish and Sandburg.

In identifying Dylan's tendency throughout the book and then rewrite these stories as anecdotes about himself he further notes:

Of Johnny Cash, for example, Dylan writes, "Johnny didn't have a piercing yell, but ten thousand years of culture fell from him. He could have been a cave dweller. He sounds like he's at the edge of the fire, or in the deep snow, or in a ghostly forest, the coolness of conscious obvious strength, full tilt and vibrant with danger." Almost every word there comes from London's story "The Son of the Wolf," cut, pasted, recast.

Warmuth eventually concludes that what is interesting about *Chronicles* is the huge volume of code seemingly within the book – the 'invisible second book beneath its

surface and how Dylan uses this multitude of pilfered influences to create a new persona for himself, and has come to view Dylan's borrowings as enriching to the overall work.

While Dylan is a trickster and much of his persona is quite contrived from external sources, this use of material appears to go well beyond the norms of borrowing or trickery. Indeed, there is a notion of fair-use, however, many of the contexts used by Dylan are identical to those in the original use for which Dylan has borrowed and he goes further in failing to provide any footnotes, notation or any reference to the borrowed materials anywhere in *Chronicles*.

This then, is a quite sophisticated form of plagiarism in which Dylan actively relied most heavily on obscure materials most likely to avoid being caught. This leads credence to Warmuth's cryptography theory. With the hundreds of passages already noted as lifted, it is hard to say how much of the book Dylan actually wrote. Dylan's self mythology has always involved the appropriation of the mythologies of others, however, in this case, he appears to have done so with minimal refinement, simply taking the printed anecdotes and passages of others and applying them to himself. While this is, in many ways brilliant in some way, it fails to answer the question as to whether it is ethical.

Many will argue that as a product of the folk tradition, these distinctions should not trouble Dylan. Of the folk tradition, half the reason it works the way it does, with musicians actively borrowing from one another is because everyone, within the context of a folk scene, is familiar with the same body of work, and thus would be able to recognize 'borrowed' material is done so with a nod and a wink. Secondly, social change, rather than commercial remuneration was clearly the reason for many folk songs and thus copyright becomes immaterial.

With the Dylan of present, neither of these are the case. Dylan's audience is overwhelmingly composed of baby-boomers, reared on rock music and who are

unlikely to know many of the songs that Dylan is pilfering. This can be taken even farther with the memoir, in which very few people are capable of remembering the passages borrowed, and no one is expected to remember the contents of antiquated issues of *Time* magazines. Bob Dylan also does not simply represent ‘Bob Dylan’ rather he represents a multimillion-dollar empire. The economics of each new release are likely closely considered and Dylan has not been politically active for decades. Thus, his plagiarism involves him profiting enormously from the work of others.

Further, the argument that Dylan does not comprehend copyright, intellectual property or is somehow beyond that is also specious. Dylan has himself been ruthless in pursuing his own copyright claims. He famously sued the group Hootie and the Blowfish for their use of the phrase “Tangled up in Blue” and some lines from the song “Idiot Wind” in their song “Only Want To Be With You” – despite the Blowfish song being clearly written as a tribute to Dylan, stating: “Put on a little Dylan” immediately before delivering the offending lines. The eventual settlement was said to run to several million dollars in Dylan’s favor.

Dylan is also no stranger to controversy regarding his work. An 11-year, still-unresolved lawsuit filed against him by songwriter James Damiano is particularly telling. Damiano alleges that Dylan, quite ironically given the title, plagiarized the song “Dignity” from Damiano. Damiano had repeatedly met Dylan and submitted songs to Dylan’s parent label CBS. This is especially telling as “Dignity” was Dylan’s only ‘hit’ record of the 1990s and seems quite different from much of Dylan’s earlier work or other work that he was producing during that period. The direct song lyric comparisons given in the case appear to hold to Damiano’s version of events, despite reports of Damiano’s apparent erratic behavior and his being held in contempt of court.

Perhaps a strong precedent is the case of disgraced historian Stephen Ambrose. Ambrose was found to have placed quotation marks in his book about World War II airmen, *The Wild Blue*, identically to passages in Thomas Childers *Wings of Morning*. The misuse of

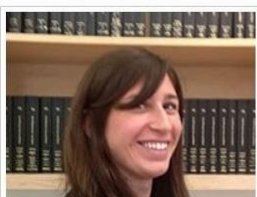
quotations was repeated throughout the work. While in this case, Ambrose's citation was correct, it was his failure to acknowledge the second hand source from which he had gleaned the material that led to allegations, (arguably rightfully) of plagiarism. With Bob Dylan, this is not even the case. Dylan does not acknowledge any of the multitudes of materials.

This is also similar to the recent case of (then) Harvard undergraduate Kaavya Viswanathan who in 2006 had been found to plagiarize several passages in her debut novel with only minor variations. In both cases, the accused writer was publicly disgraced and in the case of Ambrose, questions were posed about much of his previous work (which unearthed that he had falsified most of the first hand sources that composed his Eisenhower biography).

Whether one feels that Dylan is guilty of plagiarism or of some sort of clever game of literary cryptography, it remains difficult to let his work stand sans correct citation or notation. Moreover, Dylan's willingness to enforce his copyright in cases where he feels his work has been infringed upon, and his attempts to conceal his use of external passages indicates that he is well aware of what he is doing. While crafting a literary memoir rarely requires accuracy of memory; Robert Graves, Vladimir Nabokov, Salvador Dali and others have all crafted memoirs that are clearly as literary as factual, the distinction has been that they all did so using words and imaginings that are firmly their own. One is left to wonder, with Dylan, not only whether what he has done is fair, but whether it is worthy of his own legacy.



Julie Levine



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News

Additionally, ruling that a qualified reporter's privilege existed regarding an interview Dylan gave where he claimed he had writer's block demonstrates the willingness of courts to protect the big name musician instead of the original composer, thereby endorsing a minor form of plagiarism.

However, protecting Bob Dylan in this one instance may differ in a case where the musician is not well known or does not have a reputation of borrowing from other musicians since the beginning of his career. Indeed, Bob Dylan disclaiming he has writer's block can give rise to an inference for a reasonable jury to believe that it is more likely that he copied Damiano's song if the jury heard that he had writer's block, as compared to the jury not hearing that he had writer's block.

Therefore, by deeming the requested evidence in the motion to compel irrelevant, it is not clear whether or not Bob Dylan did in fact plagiarize James Damiano's song or was merely influenced by his music.

Hence, if Damiano's musicologist's theory had been presented to the court and was believed as true, it is very possible that Bob Dylan plagiarized James Damiano's song.

On the other hand, if a contrary theory was presented, one that does not involve the Schenker analysis, it is possible that Bob Dylan was only influenced by Damiano's song and used that influence to write Dignity, not to copy Steel Guitars as his own.

Nevertheless, it is still unclear whether the court endorsed Bob Dylan's potential plagiarism because of

whom he was or if the court was willing to turn a blind eye to the alleged plagiarism.

This court's behavior further demonstrates how a court tolerating the use of another's song may give an incentive to plagiarize. If a court is willing to dismiss a motion to compel discovery that could prove plagiarism, a court may very well do the same for another musician, even if he or she is not as well known as Bob Dylan.

DOES TOLERATED USE GIVE AN INCENTIVE TO PLAGIARIZE? AN EXAMPLE
THROUGH THE MUSIC OF BOB DYLAN

1. Damiano v. Sony Music Entertainment, Inc..... 736

[http://www.cardozoaelj.com/wp-content/uploads/2014/01/Levine-32-3.p
df](http://www.cardozoaelj.com/wp-content/uploads/2014/01/Levine-32-3.pdf)

See Movie trailer Dignity at link below

http://www.dailymotion.com/video/x18tt93_bob-dylan-s-stealing-of-james-damiano-s-songs_shortfilms

See Eleven Years Bob Dylan's Stealing of James Damiano's Songs

Narrated by Christine Boutsikaris



ANGERING... EXPLOSIVE... RIVETING... REVEALING... UNFORGIVING

Bob Dylan's Stealing of James Damiano's Songs

EXECUTIVE PRODUCTION VIRTUE FILMS & MOON ROCK RECORDS SOUNDTRACK BY JAMES DAMIANO, STARRING JUDGE SIMANDLE, ORIN
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MICHAEL MARHOUMY, BRAD WRIGHT, NARRATION BY CHRISTINE BOUTSIKARIS

PG PARENTAL GUIDANCE SUGGESTED
SOME MATERIAL MAY NOT BE SUITABLE FOR CHILDREN



See the movie Eleven Years

<https://keithrichards.yolasite.com/Eleven-Yearsd.php>

<http://christinejustice.yolasite.com/>

Soundcloud James Damiano

<https://soundcloud.com/james-damiano>

http://video.beforeitsnews.com/bob-dylan-illuminati_cfc52d3f4.html

http://video.beforeitsnews.com/bob-dylans-stealing-of-james-damianos-songs_000227443.html

Don't ever let anyone tell you
You don't know what you're talkin about
It was you alone who fought
Mighty Battles
You alone fought
Horrendous bouts
Don't ever let anyone tell you
You don't know what you're talkin about
You alone were the victor
You alone knew know doubts
What do you have without faith
Without faith
You have nothin
You searched your whole life for a
Meaning
A meaning that might mean
Something
Somewhere in the
Back of your mine
Somewhere
Down the line
Someday
You may
Do someone kind
Somewhere in the back of
Your mind you may recall
If you never learned to
Live your faith
It's not faith
At all

Racism

A diversion of reality

That the worst segregation

In the world today

Is not between

Yellow, red, black or white men

Muslims Jews or Christians

But between

The rich and the poor


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