

In the  
Supreme Court of the United States

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MICHAEL SKIDMORE  
TRUSTEE FOR THE RANDY CRAIG WOLFE TRUST,  
*Petitioner,*

v.

LED ZEPPELIN, ET AL.,  
*Respondents.*

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On Petition for a Writ of Certiorari to the  
United States Court of Appeals for the Ninth Circuit

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MOTION FOR LEAVE TO FILE  
AND BRIEF OF AMICUS CURIAE  
CALIFORNIA SOCIETY OF ENTERTAINMENT  
LAWYERS IN SUPPORT OF PETITIONER

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## MOTION FOR LEAVE TO FILE BRIEF

Pursuant to Supreme Court Rule 37.2(b), the California Society of Entertainment Lawyers (“CSEL”) respectfully moves the Court for leave to file the accompanying brief as *amicus curiae*. The consent of counsel for Petitioner has been obtained, but the consent of counsel for Respondents was withheld by letter dated July 27, 2020. In pertinent part, Respondents declined to consent, stating:

You request defendants’ consent to your filing of an amicus brief that you are unable to provide, in support of a petition for a writ of certiorari that has not been filed, and the views of your organization of nineteen plaintiffs lawyers would already be provided to the Court by plaintiff’s own counsel.

Supreme Court Rule 37.2(a) requires that the consent of counsel be obtained at least 10 days prior to submission of an *amicus curiae* brief. In respect for this rule, CSEL requested submission well in advance as to provide notice of this organization’s interest in this case prior to drafting any brief. While it is true that no petition for a writ of certiorari was filed at the time CSEL requested consent, this should not prejudice CSEL. Petitioner’s brief was timely filed on August 6, 2020.

Lastly, CSEL continues to grow and expand its membership. Recently, CSEL opened its membership to creative professionals in order to better provide a voice to artists. Although it is true that a majority of CSEL’s current active members are plaintiff’s lawyers, CSEL’s interest in this case extends beyond simply a “win” for Petitioner.

As more fully set forth in the amicus brief filed concurrently herewith, CSEL’s fear is that *Skidmore*, left alone, will create even greater confusion both within the Ninth Circuit and amongst the Circuits regarding the substantial similarity analysis in music copyright infringement cases, further prejudicing creators’ rights. CSEL therefore has an interest in having this matter heard by this Court to provide some modicum of predictability to creators who seek to enforce their copyrights via litigation.

Further, the *en banc* decision not only challenges binding Supreme Court precedent (*see, e.g.*, Pet. for Writ of Certiorari at 5), but appears to diminish the copyright protections guaranteed under the Constitution for the purpose of incentivizing innovative and creative works. Such public policy concerns, included in the accompanying *amicus curiae* brief, provides an important perspective as to why the Court should grant this motion.

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Respectfully submitted,

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