

APPENDIX TABLE OF CONTENTS

OPINIONS AND ORDERS

Order of the United States Court of Appeal for the Second Circuit (November 17, 2022)	1a
Decision and Order of the United States District Court for the Western District of New York (August 3, 2022)	3a
Judgment of the United States District Court for the Western District of New York (August 4, 2022)	7a
Decision and Order of the United States District Court for the Western District of New York (July 13, 2022)	8a

REHEARING ORDER

Order of the United States Court of Appeal for the Second Circuit Denying Motion for Reconsideration (January 12, 2023)	16a
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JUDICIAL RULE INVOLVED

Rule 8-General Rules of Pleading	18a
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OTHER DOCUMENTS

Chat Messages	19a
Emails	25a
Notary Attested Affidavits of Howard	29a

**ORDER OF THE UNITED STATES COURT OF
APPEAL FOR THE SECOND CIRCUIT
(NOVEMBER 17, 2022)**

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

JERMAINE JEVON HOWARD, "CHOOIE",

Plaintiff-Appellant,

v.

SHAWN JAY-Z CARTER,
(ROCAFELLA RECORDS),

Defendant-Appellee,

KAREEM BIGGS BURKE,
(ROCAFELLA RECORDS), DAMON DAME DASH,
(ROCAFELLA RECORDS),

Defendants.

22-1557

Before: Dennis JACOBS, Richard C. WESLEY,
Raymond J. LOHIER, JR., Circuit Judges.

Appellant, pro se, moves for leave to proceed in forma pauperis. Upon due consideration, it is hereby ORDERED that the motion is DENIED as unnecessary because the district court did not revoke Appellant's in forma pauperis status. See Fed. R. App. P. 24(a)(3).

App.2a

It is further ORDERED that the appeal is DISMISSED because it “lacks an arguable basis either in law or in fact.” *Neitzke v. Williams*, 490 U.S. 319, 325 (1989); *see* 28 U.S.C. § 1915(e).

FOR THE COURT:

/s/ Catherine O'Hagan Wolfe
Clerk of Court

**DECISION AND ORDER OF THE UNITED
STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF NEW YORK
(AUGUST 3, 2022)**

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

JERMAINE JEVON HOWARD, “CHOOIE”,

Plaintiff,

v.

SHAWN JAY-Z CARTER (ROCAFELLA RECORDS),
KAREEM BIGGS BURKE (ROCAFELLA
RECORDS), DAMON DAME DASH
(ROCAFELLA RECORDS),

Defendants.

20-CV-417 (JLS)

Before: John L. SINATRA, JR.,
United States District Judge.

On July 13, 2022, the Court issued an order that dismissed *pro se* Plaintiff Jermaine Jevon Howard’s copyright ownership claim against Defendant Shawn Jay-Z Carter as time-barred but granted leave to amend to allow Howard to plead facts sufficient to allege his copyright claim was subject to tolling. Dkt. 20. Howard timely filed an amended complaint pursuant to the

Court's July 13 Order.¹ Dkt. 23. Pursuant to the Court's pre-service screening under 28 U.S.C. § 1915(e)(2), the amended complaint must be dismissed.

"Section 1915 mandates that a district court dismiss an *in forma pauperis* complaint if the action is frivolous or malicious; fails to state a claim on which relief may be granted; or seeks monetary relief against a defendant who is immune from such relief." *Freeman v. Rochester Psychiatric Ctr.*, No. 616CV06668MAT MWP, 2018 WL 4519879, at *1 (W.D.N.Y. Sept. 21, 2018) (citing 28 U.S.C. § 1915(e)(2)(B)(i)-(iii)). "Specific facts are not necessary," and a plaintiff "need only give the defendant fair notice of what the . . . claim is and the grounds upon which it rests." *Erickson v. Pardus*, 551 U.S. 89, 93 (2007) (quoting *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555 (2007) (internal quotations and citation omitted)). A court "is obliged to construe [*pro se*] pleadings liberally[.]" *McEachin v. McGuinnis*, 357 F.3d 197, 200 (2d Cir. 2004). But even *pro se* pleadings must meet the notice requirements of Rule 8 of the Federal Rules of Civil Procedure. See *Wynder v. McMahon*, 360 F.3d 73, 79 n.11 (2d Cir. 2004).

¹ Howard also filed a notice of appeal as to the Court's July 13 Order roughly one week before he filed the amended complaint. Dkt. 21. "A dismissal with leave to amend is a non-final order and not appealable," unless the appellant "disclaim[s] any intent to amend." *Slayton v. Ain. Exp. Co.*, 460 F.3d 215, 224 (2d Cir. 2006). Considering Howard was granted leave to amend and timely filed an amended complaint, the July 13 Order was not appealable. See *Sinurphat v. Hobb*, 822 F. App'x 44, 46 (2d Cir. 2020) (amended complaint filed pursuant to order dismissing all claims and granting leave to amend remained pending for review in district court because plaintiff filed notice of appeal prior to filing amended complaint and order was non-final and non-appealable).

Here, the Amended Complaint provides an extensive explanation as to the alleged professional relationship between Howard and Carter. None of the allegations addresses why Howard's copyright claim is subject to tolling.

Howard argues his claim did not accrue until March 27, 2020, when Carter allegedly expressly repudiated Howard's claimed co-ownership. Dkt. 23, at 2. But as the Court previously explained in its July 13 Order, Howard's copyright ownership claim accrued long before April 7, 2017, because Howard "should have known he was not receiving the royalties that he supposedly was entitled to when Carter 'conspicuously exploited] the copyright[s] without paying royalties.'" Dkt. 20, at 7 (quoting *Gary Friedrich Enters., LLC v. Marvel Characters, Inc.*, 716 F.3d 302, 317 (2d Cir. 2013)). He now even concedes that, after allegedly writing several songs for Carter in the early to mid-1990s, he "stayed in constant contact with [Carter] for a while but things never worked out right as far as . . . Howard receiving pay for being a songwriter," Dkt. 23, at 10, and that he "felt [Carter] would come around and compensate [him]." *Id.* As the Court previously found, "to argue Howard was not aware he was not getting the payments he was owed prior to April 7, 2017, 'strains credulity.'" Dkt. 20, at 7 (quoting *Mahan v. Roc Nation, LLC*, No. 14 CIV. 5075 LGS, 2015 WL 1782095, at *4 (S.D.N.Y. Apr. 15, 2015)).

Howard has failed to allege facts that establish either that his claim is subject to tolling or that his

claim accrued no earlier than April 7, 2017. Accordingly, his claim is time-barred.²

CONCLUSION

For these reasons, the amended complaint is DISMISSED. The Clerk of Court is directed to close this case.

SO ORDERED.

/s/ John L. Sinatra, Jr.
United States District Judge

Dated: August 3, 2022
Buffalo, New York

² The court notes that Howard has also alleged facts that could be interpreted as civil claims of assault, battery, and false imprisonment against multiple people, including Carter. To the extent Howard is attempted to bring such claims, they must also be dismissed as time-barred because the alleged incidents supposedly occurred in the early 1990s, and New York State requires such claims to “be commenced within one year.” N.Y. C.P.L.R. § 215(3). Further, because the Court previously granted Howard leave to amend to establish tolling for his copyright claim, and he has failed to do so, the Court will not grant the same for these new claims.

App.7a

**JUDGMENT OF THE UNITED STATES
DISTRICT COURT FOR THE WESTERN
DISTRICT OF NEW YORK
(AUGUST 4, 2022)**

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

JERMAINE JEVON HOWARD,

v.

SHAWN JAY-Z CARTER

Case Number: 20-CV-417

Decision by Court. This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED: that the Defendant's Motion to Dismiss is Granted and that the Plaintiff's Amended Complaint is Dismissed.

MARY C. LOEWENGUTH
CLERK OF COURT

By: /s/ Jennifer V.
Deputy Clerk

Date: August 4, 2022

**DECISION AND ORDER OF THE UNITED
STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF NEW YORK
(JULY 13, 2022)**

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

JERMAINE JEVON HOWARD, “CHOOIE”,

Plaintiff,

v.

SHAWN JAY-Z CARTER (ROCAFELLA RECORDS),
KAREEM BIGGS BURKE (ROCAFELLA
RECORDS), DAMON DAME DASH
(ROCAFELLA RECORDS),

Defendants.

20-CV-417 (JLS)

Before: John L. SINATRA, JR.,
United States District Judge.

Before the Court is Defendant Shawn Jay-Z Carter's request for judicial notice and motion to dismiss. Dkt. 7. For the following reasons, his request and motion are granted.

BACKGROUND

Pro se Plaintiff Jermaine Jevon Howard commenced this action against Defendants Shawn Jay-Z Carter,

Kareem Biggs Burke, and Damon Dame Dash, based on diversity jurisdiction, asserting breach of contract and copyright ownership claims. Dkt. 1. Pursuant to its pre-service screening under 28 U.S.C. § 1915(e)(2), the Court dismissed all claims against Burke and Dash because Howard failed to allege any wrongdoing by them, and dismissed the breach of contract claim because the Court lacked subject matter jurisdiction over it. Dkt. 3. Howard was given an opportunity to amend, but he failed to do so. Thus, the only claim remaining is the copyright ownership claim against Carter.

Howard alleges that Carter failed to pay him royalties for songs they both “had copyrights to and [Carter] has performed,” and which have been released on several of Carter’s albums.¹ Dkt. 1 at 4. Specifically, Howard alleges he assisted with songwriting on the following albums released by Carter: *Reasonable Doubt*; *In My Lifetime, Vol. 1*; *Vol. 2 . . . Hard Knock Life*; *Vol. 3 . . . Life and Times of S. Carter*; and *The Black Album*. *Id.* at 5. He further alleges that he assisted with the “whole concept of *Vol. 2 . . . Hard Knock Life*, tour and everything [he] had patented which [he] allowed [Carter] to use in 1997.” *Id.*

In his motion to dismiss, Carter argues, among other things, that Howard’s claim should be dismissed with prejudice because it is barred by the statute of limitations. Dkt. 7-1 at 11. According to Carter, the albums at issue were publicly released without giving any credit to Howard. And because the albums were

¹ As noted in his memorandum in support of his motion to dismiss, Carter is “one of the most famous rappers in the world.” Dkt. 7-1, at 6.

commercial successes, Carter argues Howard's claim accrued on the day the albums were released. Thus, Carter asserts that, based on the three-year statute of limitations period for civil copyright actions, and the fact that the earliest and latest albums at issue were released on June 25, 1996, and November 14, 2003, respectively, Howard's claims expired between June 25, 1999, and November 14, 2006. Because Howard did not commence this action until April 7, 2020, and no tolling doctrine applies, Carter argues Howard's copyright ownership claim must be dismissed with prejudice.

In response, Howard argues that the three-year statute of limitations period "begin[s] at the point of the last act of infringement." Dkt. 11, at 2. He argues that this means his claim accrues every time the music at issue is downloaded—for example, he claims that if the music was downloaded in "January of 2022 then the window of Statute of Limitations begin[s] in January 2022 and expire[s] in January 2025 unless the music is downloaded or shared in between those dates." *Id.*

In reply, Carter argues that Howard is trying to assert a copyright infringement claim, which "is the violation of an owner's copyright interest by a non-owner." Dkt. 12, at 8 (quoting *United States Naval Inst. v. Charter Cornmc'ns, Inc.*, 936 F.2d 692, 695 (2d Cir. 1991)). Carter argues that since Howard is alleging that they were both co-owners of the music at issue, the statute of limitations rules for copyright ownership claims apply.

Howard filed an amendment to his response, which the Court will consider as a sur-reply. Dkt. 19. He argues that co-owners of a copyright can independently license, sue to protect, and transfer their respective

interests. Dkt. 19, at 2. He cites to *Davis v. Blige*, 505 F.3d 90, 99 (2d Cir. 2007), to argue that copyright owners have the right “to protect their individual rights and do[] not need the permission of other copyright owners to file a copyright infringement claim.” *Id.*

LEGAL STANDARD

On a motion to dismiss, the Court accepts as true all well-pleaded factual allegations and draws all reasonable inferences in favor of the non-moving party. *Hooks v. Forman, Holt, Eliades & Ravin, LLC*, 717 F.3d 282, 284 (2d Cir. 2013). To withstand dismissal, a pleading “must contain sufficient factual matter, accepted as true, to ‘state a claim to relief that is plausible on its face.’” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (quoting *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 570 (2007)). Courts may consider “facts stated on the face of the complaint, . . . documents appended to the complaint or incorporated in the complaint by reference, and . . . matters of which judicial notice may be taken.” *Goel v. Bunge, Ltd.*, 820 F.3d 554, 559 (2d Cir. 2016).

DISCUSSION

I. Judicial Notice

As an initial matter, Carter asks the Court to take judicial notice of the release dates of the albums at issue, which are: *Reasonable Doubt* on June 25, 1996; *In My Lifetime, Vol. 1* on November 4, 1997; *Vol. 2 . . . Hard Knock Life* on September 29, 1998; *Vol. 3 . . . Life and Times of S. Carter* on December 28, 1999; and *The Black-Album* on November 14, 2003. Dkt. 7-2, at 3. Carter also requests the Court take

judicial notice of the *Vol. 2 . . . Hard Knock Life* tour dates, which were from March 1999 to May 1999, and copyright registrations for the albums at issue. *Id.* Carter’s request is supported by websites and copies of the copyright registrations. Dkts. 7-3, 7-4, 7-5. And Howard has not challenged Carter’s request.

The Court grants Carter’s request for judicial notice. *Lewis v. M&T Bank*, No. 21-933, 2022 WL 775758, at *1 (2d Cir. Mar. 15, 2022) (“Courts may take judicial notice of facts that ‘can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned.’”) (quoting Fed. R. Evid. 201(b)(2)); *see also Island Software & Comput. Serv., Inc. v. Microsoft Corp.*, 413 F.3d 257, 261 (2d Cir. 2005) (concluding any error that may have occurred from the district court taking judicial notice of copies of copyright registrations was harmless because “[t]he district court [i]s entitled to take judicial notice of . . . federal copyright registrations, as published in the Copyright Office’s registry.”); *Hotel Emps. & Rest. Emps. Union, Loc. 100 v. City of New York Dep’t of Parks & Recreation*, 311 F.3d 534, 549 (2d Cir. 2002) (judicial notice of a website is appropriate when authenticity has not been questioned).

II. Carter’s Motion to Dismiss

Turning to the merits of Carter’s motion, the Court agrees that Howard’s claim is time-barred. First, in response to Carter’s motion, Howard seems to try to reclassify his copyright ownership claim as a copyright infringement claim. But “an action for infringement between joint owners will not lie because an individual cannot infringe his own copyright.” *Weissmann v. Freeman*, 868 F.2d 1313, 1318 (2d Cir. 1989). As the

Court concluded in its previous order, Howard is asserting a copyright ownership claim because he “is claiming ownership over a copyright owned by someone else and is seeking royalty payments in virtue of his asserted ownership.” Dkt. 3, at 3; *see also Minder Music Ltd. v. Mellow Smoke Music Co.*, No. 98 CIV. 4496 (AGS), 1999 WL 820575, at *2 (S.D.N.Y. Oct. 14, 1999) (plaintiff’s claims were copyright ownership claims because plaintiff “assert[ed] ownership of an interest currently held by defendants.”). Therefore, the statute of limitations rules for copyright ownership claims apply. *Davis v. Blige* does not mandate a different result. 505 F.3d 90 (2d Cir. 2007) (discussing the rights of co-owners of copyrights with respect to non-owners).

Second, “[c]ivil actions under the Copyright Act are subject to a three-year statute of limitations.” *Merchant v. Levy*, 92 F.3d 51, 56 (2d Cir. 1996) (citing 17 U.S.C. § 507(b)). A copyright ownership claim “accrues only once, when a reasonably diligent plaintiff would have been put on inquiry as to the existence of a right.” *Wilson v. Dynatone Publ’g Co.*, 892 F.3d 112, 118 (2d Cir. 2018) (quoting *Kwan v. Schlein*, 634 F.3d 224, 228 (2d Cir. 2011)).

While an alleged author is aware of his claim to ownership of the work “from the moment of its creation,” *Merchant*, 92 F.3d at 56, the author does not need to bring suit until there has been an “express repudiation” of that claim. *Gary Friedrich Enters., LLC v. Marvel Characters, Inc.*, 716 F.3d 302, 317 (2d Cir. 2013) (quoting *Zuill v. Shanahan*, 80 F.3d 1366, 1370-71 (9th Cir. 1996)). Several events can trigger the accrual of a copyright ownership claim, including “when alleged co-owners learn they are entitled to royalties that they are not receiving.” *Id.*

Here, Howard commenced this action on April 7, 2020. Thus, pursuant to the three-year statute of limitations applied to copyright ownership claims, for Howard's claim to survive, the earliest he would have had to have learned he was not receiving payments he was entitled to was April 7, 2017.

In addition to claiming that he helped write songs for albums released between 1996 and 2003, Howard also alleged that, upon Carter's request, he invested three million dollars into Carter's record label in November of 1996—roughly five months after the release date of *Reasonable Doubt*. Considering he had not received payments for his work on *Reasonable Doubt*, but allegedly made the investment anyway, and that he allegedly continued to help with the songwriting for albums released as late as 2003, to argue Howard was not aware he was not getting the payments he was owed prior to April 7, 2017, “strains credulity.” *Mahan v. Roc Nation, LLC*, No. 14 CIV. 5075 LGS, 2015 WL 1782095, at *4 (S.D.N.Y. Apr. 15, 2015) (finding plaintiff, a sound engineer and music programmer who worked on three of the albums at issue here, had reason to know he was not receiving royalty payments owed because of his experience in the music industry and the fact that the albums he worked on were commercial successes). Howard should have known he was not receiving the royalties that he supposedly was entitled to when Carter “conspicuously exploited] the copyright[s] without paying royalties.” *Gary Friedrich Enterprises, LLC*, 716 F.3d at 317.

Nor has Howard alleged any facts that suggest his claim is subject to equitable tolling because he has not shown that “(1) [Carter] made a definite misrepresentation of fact, and had reason to believe that

[Howard] would rely on it; [nor] (2) [that Howard] reasonably relied on that misrepresentation to his

CONCLUSION

For these reasons, Carter's request for judicial notice and motion to dismiss are GRANTED. Howard's copyright claim is DISMISSED with leave to amend.

Howard is advised that an amended complaint is intended to completely replace the prior complaint in the action. "It is well established that an amended complaint ordinarily supersedes the original and renders it of no legal effect." *Arce v. Walker*, 139 F.3d 329, 332 n.4 (2d Cir. 1998) (quoting *Int'l Controls Corp. v. Vesco*, 556 F.2d 665, 668 (2d Cir. 1977)); *see also Shields v. Citytrust Bancorp, Inc.*, 25 F.3d 1124, 1128 (2d Cir. 1994). Therefore, Howard's amended complaint must include both his copyright claim and facts sufficient to allege his copyright claim is subject to tolling, so that the amended complaint may stand alone as the sole complaint to be answered. Such amended complaint is due by July 29, 2022. The Clerk of Court is directed to close this case if no such amended complaint is filed.

SO ORDERED.

/s/ John L. Sinatra, Jr.
United States District Judge

Dated: July 13, 2022
Buffalo, New York

**ORDER OF THE UNITED STATES COURT
OF APPEAL FOR THE SECOND CIRCUIT
DENYING MOTION FOR RECONSIDERATION
(JANUARY 12, 2023)**

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

JERMAINE JEVON HOWARD, “CHOOIE”,

Plaintiff-Appellant,

v.

SHAWN JAY-Z CARTER,
(ROCAFELLA RECORDS),

Defendant-Appellee,

KAREEM BIGGS BURKE,
(ROCAFELLA RECORDS), DAMON DAME DASH,
(ROCAFELLA RECORDS),

Defendants.

Docket No. 22-1557

Appellant, Jermaine Jevon Howard, filed a motion for panel reconsideration, or, in the alternative, for reconsideration en banc. The panel that determined the appeal has considered the request for reconsideration, and the active members of the Court have considered the request for reconsideration en banc.

App.17a

IT IS HEREBY ORDERED that the motion is denied.

FOR THE COURT:

/s/ Catherine O'Hagan Wolfe
Clerk of Court

RULE 8-GENERAL RULES OF PLEADING

- (a) **CLAIM FOR RELIEF.** A pleading that states a claim for relief must contain:
 - (1) a short and plain statement of the grounds for the court's jurisdiction, unless the court already has jurisdiction and the claim needs no new jurisdictional support;
 - (2) a short and plain statement of the claim showing that the pleader is entitled to relief; and
 - (3) a demand for the relief sought, which may include relief in the alternative or different types of relief.
- (b) **DEFENSES; ADMISSIONS AND DENIALS.**
 - (1) **In General.** In responding to a . . .

App.19a

**CHAT MESSAGES
(IMAGE AND TRANSCRIPTION)**

Hi Stroe,

I represent Jermaine Howard a/
k/a "Chooie" in his attempt to
collect royalties on copyrights
in various compositions he
authored.

Craig Sweat indicates that
you might have ideas or
suggestions on how to move
forward.



What is a convenient time and
date to discuss this?

Best,

Thomas L. View, Esq.

Partner

www.vlgpllc.com

App.20a

{Transcription}

Hi Stroe,

I represent Jermaine Howard a/k/a "Chooie" in his attempt to collect royalties on copyrights in various compositions he authored.

Craig Sweat indicates that you might have ideas or suggestions on how to move forward.

What is convenient time and date to discuss this?

Best,

Thomas L. View, Esq.

Partner

www.vlgpllc.com

App.21a

←  **Benny The Butcher** 
Active now  

Craig Sweat is Jay-Z cousin
pictured here with Biggd Burke



"Jay-Z, you don't want to pay
me my money shsme on you,
shame on you Jay-Z, Shawn
Carter, shame on you" lol 🤔
Nigga that's from ya Mom's
Bfin to BK all day
Chooie

12/27/2020



Nigga I don't give a fuck 🤔

12/27/2020

App.22a

{Transcription}

Benny The Butcher
Active Now

Craig Sweat is Jay-Z cousin pictured here with
Biggs Burke

“Jay-Z, you don’t want to pay me my money
shsme on you, shame on you Jay-Z, Shawn Carter,
shame on you “lol Nigga that’s from ya Mom’s Bflo to
Bk all day

Chooie

Mar 27, 2020

Nigga I don’t give a fuck

Mar 27, 2020

That’s from you or him

Mar 27, 2020

Him

Thanx

App.23a



"Jay-Z, you don't want to pay
me my money shsme on you,
shame on you Jay-Z, Shawn
Carter, shame on you" lol 🤔
Nigga that's from ya Mom's
Bflo to BK all day
Chooie

Mar 27, 2020

Nigga I don't give a fuck 🤔

Mar 27, 2020

That's from you or him?

Mar 27, 2020

Him

Thank

App.24a

{Transcription}

Benny The Butcher
Active Now

Craig Sweat is Jay-Z cousin pictured here with
Biggd Burke

“Jay-Z, you don’t want to pay me my money
shsme on you, shame on you Jay-Z, Shawn Carter,
shame on you “lol Nigga that’s from ya Mom’s Bflo to
Bk all day

Chooie

Mar 27, 2020

Nigga I don’t give a fuck

Mar 27, 2020

That’s from you or him

Mar 27, 2020

Him

Thanx

App.25a

EMAILS

7:06 • • • •

• • • • •



From Law Library • asklaw@buffalo.edu
To Jermaine Howard • jhoward4@buffalo.edu
Date Apr 13, 2023, 6:13 PM
Standard encryption (TLS).
View security details

Dear Jermaine,

I did not find the definition of "serial litigant" in a legal dictionary, however, one could look up the two words separately to derive a definition of the phrase.

The term is used as an example under the entry for "serial" in the Cambridge Dictionary here:
<https://dictionary.cambridge.org/us/dictionary/english/serial>.



serial

1. used to describe a person who repeatedly commits a similar crime or carries...

dictionary.cambridge.org

App.26a

{Transcription}

From Law Library asklaw@buffalo.edu
To Jermaine Howard jhoward4@buffalo.edu
Date Apr 13, 2023, 6:13 PM

Standard encryption (TLS). View security details

Dear Jermaine,

I did not find the definition of “serial litigant” in a legal dictionary, however, one could look up the two words separately to derive a definition of the phrase.

The term is used as an example under the entry for “serial” in the Cambridge Dictionary here:

<https://dictionary.cambridge.org/us/dictionary/english/serial>.

serial

1. used to describe a person who repe . . . commits a similar crime or carries . . .

dictionary.cambridge.org

App.27a



Draft 12/22/2018

to Thomas ▾

On Dec 19, 2018 3:20 PM, "Thomas View"
<thomas.v@vig-partners.com> wrote:

Hi Stroe,

I represent Jermaine Howard a/k/a
"Chooie" in his attempt to collect
royalties on copyrights in various
compositions he authored.

Craig Sweat indicates that you might
have ideas or suggestions on how to
move forward.

What is a convenient time and date to
discuss this?

Best,

Thomas L. View, Esq.

Partner

www.vigpllc.com

{Transcription}

Draft 12/22/2018
to Thomas v

On Dec 19, 2018 3:20 PM, "Thomas View"
<thomas.v@vlg-partners.com> wrote:

Hi Stroe,

I represent Jermaine Howard a/k/a "Chooie" in his attempt to collect royalties on copyrights in various compositions he authored.

Craig Sweat indicates that you might have ideas or suggestions on how to move forward.

What is a convenient time and date to discuss this?

Best,

Thomas L. View, Esq.
Partner
www.vlgpllc.com

**NOTARY ATTESTED
AFFIDAVITS OF HOWARD**

JERMAINE JEVON HOWARD, "CHOOIE",

v.

SHAWN JAY-Z CARTER

I attest that I received a document from Shawn Jay-Z Carter's attorney Morgan Anastasio. A Sworn Document stating that she had delivered by U.S. Postal Mail a copy of Shawn Jay-Z Carter's Defense prepared 7 Motion For Dismissal and other Documents/ Attachments to Jermaine Jevon Howard, 1035 Beach Rd #D2, Buffalo, NY 14225. The documents were never mailed and Jermaine Jevon Howard had to purchase the documents from the Western District of New York Federal Court Clerk's Office. Jermaine Jevon Howard's Former Attorney Jack Danziger ESQ, (716) 842-1796, has a copy of the documents with the post marked date on it which was several weeks past the date of January 18, 2022 which the time sensitive documents were intended to reach Jermaine Jevon Howard in order to meet a responsive deadline set by the court.

Dated 14 This Day of April 2023

/s/ Jermaine Jevon Howard
Signature of the Affiant

App.30a

SWORN to subscribed before me 14th Day of April
2023.

/s/ Vandana Bansal
Notary Public, State of New York
Qualified in Erie County
Reg. No. 01BA6147929
My Commission Expires June 19, 2026

App.31a

JERMAINE JEVON HOWARD, "CHOOIE",

v.

SHAWN JAY-Z CARTER

I attest that Shawn Jay-Z Carter's Defense, Attorney Morgan Anastasio within their 7 Motion stated that Jermaine Jevon Howard's Complaint should be dismissed for not having a short and plain statement of the claim showing that the pleader is entitled to relief "so as to" give the adverse party fair notice of the asserted to enable him to answer and prepare for trial. If a Complaint fails to meet this standard it should be dismissed. Jermaine Jevon Howard provided this statement, however, the space provided only allowed for a "short and plain" statement. Any other statement which Attorney Anastasio was referring to would be a "detailed" statement. Attorney Morgan Anastasio provided a copy of Jermaine Jevon Howard's Statement of Claim as an attachment along with the Defense's 7 Motion for Dismissal.

Dated 14 This Day of April 2023

/s/ Jermaine Jevon Howard
Signature of the Affiant

App.32a

SWORN to subscribed before me 14th Day of April
2023.

/s/ Vandana Bansal
Notary Public, State of New York
Qualified in Erie County
Reg. No. 01BA6147929
My Commission Expires June 19, 2026