

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
(WHITE PLAINS)**

|                                 |   |                         |
|---------------------------------|---|-------------------------|
| UNITED STATES OF AMERICA,       | ) |                         |
|                                 | ) |                         |
| Plaintiff,                      | ) | Civ. Action No. 41-1395 |
|                                 | ) | (WCC)                   |
| v.                              | ) |                         |
|                                 | ) |                         |
| AMERICAN SOCIETY OF COMPOSERS,  | ) |                         |
| AUTHORS AND PUBLISHERS, et al., | ) |                         |
|                                 | ) |                         |
| Defendants.                     | ) |                         |

**JOINT MOTION TO ENTER SECOND AMENDED FINAL JUDGMENT**

Pursuant to Section XVII of the Amended Final Judgment dated March 14, 1950, the parties respectfully move that the Court enter the attached proposed Second Amended Final Judgment. The Plaintiff's reasons for supporting the motion are set forth in the Memorandum of the United States to be filed separately. ASCAP joins the motion. As ASCAP has not reviewed the Memorandum of the United States, it cannot concur with that Memorandum.

The proposed Second Amended Final Judgment will become effective three months from the date of its entry. It will replace the Amended Final Judgment entered on March 14, 1950, and all modifications and amendments thereto, and the Order entered thereunder on January 7, 1960, and all modifications and amendments thereto, and by its own terms, vacates those decrees upon its taking effect. The proposed Second Amended Final Judgment also incorporates the substantive provisions of the Final Judgment in *United States v. The American Society of Composers, Authors and Publishers* and all modifications and amendments thereto, Civ. Action

No. 41-1395 (S.D.N.Y.) (formerly Civ. No. 42-245) (the “Foreign Decree”), and, by its own terms, vacates that decree. A separate motion is being simultaneously filed in that action to vacate the Foreign Decree upon the effective date of the proposed Second Amended Final Judgment and to dismiss that action without prejudice.

Respectfully submitted,

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Dated: September 1, 2000  
Washington, DC