

HERMAN KELLY, PRO, SE
INTERESTED CLAIMANT PARTY
vs.

CASE#2011-6CRBDD 2010
(NOTICE/AFFIDAVIT)

DISTRIBUTION OF DART SOUND
RECORDINGS FUND, COPYRIGHT OWNERS
SUBFUND AND FEATURED ARTIST
SUBFUND ROYALTIES FOR 2010
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INTERESTED PARTY HERMAN KELLY'S MOTION FOR ORDER COMPELLING AARC
PRODUCE DISCOVERY INFORMATIONS...AND , MOTION THAT COURT ISSUE A
DEFAULT SANCTION ORDER JUDGMENT AGAINST AARC.FRCP.

1. THIS HONORABLE CRB COURT HAS ISSUED A ORDER, JUDGMENT THAT ALL PARTIES SETTLE THIS CASE MATTER. AARC HAS REFUSED TO SETTLE WITH HERMAN KELLY & ASPC. AARC HAS REFUSED TO ANSWER HERMAN KELLY'S REQUEST MOTION FOR DISCOVERY PRODUCTION OF DOCUMENTS, INFORMATIONS AS NEEDED TO RESOLVE THIS MATTER.
2. AARC HAS REFUSED TO INFORM THIS COURT AND PARTIES ON ALL OF THE NAMES OF THE SONGS, MUSIC COMPOSITIONS, WORKS, TITLES THAT AARC IS CLAIMING ROYALTIES FROM.
3. HERMAN KELLY HAS SUBMITTED HIS SONGS TITLES COPYRIGHTS TO THIS CRB COURT, COPYRIGHTS OFFICE AS A LEGAL COPYRIGHTS, MASTER RIGHTS, INTELLECTUAL PROPERTY RIGHTS OWNER ON HIS CLAIMS. OVER 50 TITLES.
4. AARC SHOULD NOT GET ANY ROYALTIES DART FUNDS FROM HERMAN KELLY'S SONGS THAT HE OWN FULL OR PARTIAL OWNERSHIP SHARES OF COPYRIGHTS.
5. THEREFOR BASED ON THE FACTS, COPYRIGHTS LAWS, USA CONSTITUTION, EVIDENCES AND ATTACHED MEMORANDUM OF LAWS IN SUPPORT OF THIS MOTION. HERMAN KELLY MOTION AND REQUEST THAT CRB COURT ISSUE A ORDER COMPELLING AARC TO SHOW, STATE, PRODUCE ALL DISCOVERY INFORMATIONS FILED IN COURT. ALSO COURT SHOULD ISSUE A DEFAULT SANCTION JUDGMENT AGAINST AARC FOR REFUSING TO ANSWER DISCOVERY AND REFUSING TO SETTLE. AARC HAS VIOLATED THE USA COPYRIGHTS LAWS AND FRCP.
6. MR. KELLY OBJECT TO AARC'S REQUEST FOR 98% OF FUND. MR. KELLY REQUEST 5% OF DART FUNDS TO BE SENT DIRECT TO HIM FROM CRB. CLAIMANT PRAYS TO GOD AND THIS COURT FOR ANY RELIEF DEEM, FAIR, JUST .
RESPECTFULLY SUBMITTED

STATE OF MICHIGAN
DATED: NOV 8, 2011
WITNESS, GENESIS ACTS.

HERMAN KELLY, PRO, SE
AFTERSCHOOL PUBLISHING COMPANY, INC.
P.O. BOX 14157, DETROIT, MICHIGAN 48214-0157
313-894-8855, hermankelly@att.net

PROOF OF SERVICE

COPY OF THIS MOTION WAS MAILED TO AARC 700 N. FAIRFAX ST. #601
ALEXANDRIA, VA. 22314. JEFFREY JACOBSON, LAWRENCE FELDMAN, DAYNA STAGGS,
ERNST ANDRE, JAMES CANNINGS, REGINALD WOODARD, TREASA FENNIE, LINDA BOCCHI.
ON THIS DATED.

1 * MEMORANDUM OF LAWS FOR DISCOVERY/INTERROGATIVES *
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3 discovery should be allowed if information sought appears
4 reasonable calculated to lead to discovery of admissible evidence.
5 see... dunbar vs. USCA Fla. 1974, 502 f. 2d. 506..

6 discovery may be had as to events , occurring and documents
7 prepared subsequent to filing of complaint though amended
8 complaint has not been filed if such events and documents are
9 relevant to the subject matter of the suit. see.. Bass vs .
10 Gulf Oil Corp. D.C. Miss, 1969, 304, f. supp. 1041..

11 default judgment may be entered against party completely refusing
12 to respond to interrogatories in such case it is not necessary
13 that court first enter order compelling better and more complete
14 response to interrogatories. see.. Minnesota Mining & Mfg. Co.
15 vs. ECO. Chem, Inc, 1985, Ca, FC. 757, f. 2d. 1256, 225, USPQ
16 350, 1. Fr. serv, 3d. 15.... National Lawyers Guild vs. Atty. Gen.
17 1982, SDNY, 94, FRD, 600.

18 despite absence of formal court order for discovery , refusal by
19 defendants to produce records of transactions in counterfeit rare
20 stamp may result in default judgment against such defendant.
21 see.. Henry vs. Sneider 1974, Ca. 9, Wash, 490, f. 2d. 315,
22 18 FR, Serv. 2d. 351.... Fed, rule of civil proc. 37.

23 sever sanction of default judgment was justified by defendants
24 repeated and inexcusable obstruction of every type of s discovery
25 attempted by plaintiff. see. Wanderer vs. Johnston, 1990, Ca.9
26 Cal. 910, f. 2d. 652, 17 FR, serv. 3d. 678, Adriana, Int'l, corp.
27 vs. Phoeren , 1990, Ca. 9, Cal. 913, f. 2d. 1406.. Comdyne I,
28 Inc, vs. Corbin, 1990, Ca, 3, N.J. 908, f. 2d. 1142, 17 FR, serv,
29 2d. 503..

30 1 Am, jur, 2d. & 8, accounts.. an action to recover on an account
31 where items and balances either have been determined or are readily
32 determined in an action at law which sounds in contract.
33 see... hansen vs. Burfords, 212, cal. 100, 297, P. 908..

34 in calculating gross profits elements of damages for copyright
35 infringement any doubt must be resolved in favor of copyright
36 holder where infringer has failed to produce adequate records of
37 costs it incurred. see. Business Trend Analysts, Inc. vs.
38 Freedonia Group , Inc. S.D.N.Y. 1988, 700, f. supp. 1213..

39 18 Am, jur. 2d. & 68. copyrights.. the copyright act of 1976
40 provides that any of the exclusive rights comprised in a copyright
41 may be transferred and owned separately and that the owner of any
42 particular exclusive rights is entitled to the extent of
43 that right to all of the protection and remedies accorded to a
44 copyright owner. ... 17 USCS & 201 d. 2....

Keys, LaKeshia

*Pending
Correct filing
on 11/9/11*

From: herman kelly [hermankelly@att.net]
Sent: Wednesday, November 09, 2011 1:21 PM
To: crb
Cc: write4u@netzero.com; lbocchi@aarcroyalties.com; Ericeman8@aol.com; liset@voicenet.com; Paulab.mays@gmail.com; Asochuks2000@yahoo.com
Subject: AARC,SANCTION,DEFAULT,DISCOVERY ORDER,MOTION MAILED, FROM; HERMAN KELLY,ASPC, (c/o) CRB..DART FUND 2010 .
Attachments: 11-09-2011 12:45:57PM.PDF

TO; AARC. LINDA BOCCHI, CRB, AND PARTIES... ATTACHED IS A MOTION FOR DEFAULT SANCTION AND MOTION TO COMPEL DISCOVERY AGAINST AARC, THAT HAS BEEN MAILED TO EACH PARTY AND THE CRB CLERK OF COURT OFFICE FOR REVIEW, CONSIDERATION IN SUPPORT OF THIS COURT SETTLEMENT ORDER OF THIS CASE MATTER. AARC HAS REFUSED TO SETTLE THIS MATTER AND HAS REFUSE TO SEND TO COURT AND TO HERMAN KELLY ALL DISCOVERY INFORMATION, EVIDENCES, DOCUMENTATION, AS REQUESTED BY HERMAN KELLY, AFTERSCHOOL PUBLISHING COMPANY, INC. AARC HAS VIOLATED, THE COPYRIGHTS LAWS AND REFUSED TO INFORM, SHOW, STATE, EACH AND EVERY COPYRIGHTED, SONGS, WORKS, TITLES, MUSIC COMPOSITIONS, THAT AARC ARE CLAIMING ROYALTIES PAYMENTS FOR. HERMAN KELLY HAS OBJECTED TO AARC 'S REQUEST FOR 98 % OF THE DART 2010 FUNDS, AND HERMAN KELLY HAS REQUESTED 5 % OF THE FUNDS. AARC SHOULD NOT GET ANY ROYALTIES PAYMENTS FROM ANY OF HERMAN KELLY 'S SONGS THAT ARE PART OF THE FUNDS. HERMAN KELLY HAS SUBMITTED SOME OF HIS SONGS TITLES NAME OVER 50 SONGS, INTELLECTUAL PROPERTY RIGHTS WHERE HE OWN PART AND FULL OWNERSHIP AS A WRITER, AUTHOR, PRODUCER, ARRANGER, ARTIST. PLEASE BE ON THE LOOK OUT FOR THIS MOTION MAILED BY FIRST CLASS USA MAIL TODAY, NOV 8, 2011..... HERMAN KELLY HAS REQUEST THAT ALL HIS ROYALTIES PAYMENTS BE PAID , MAILED DIRECT TO HIM. . RESPECTFULLY SUBMITTED. HERMAN KELLY (PRESIDENT) AFTERSCHOOL PUBLISHING COMPANY, INC, P.O. BOX 14157 DETROIT, MICHIGAN 48214-0157 USA, TELE # 313-894-8855 hermankelly@att.net