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21 **UNITED STATES DISTRICT COURT**
 22 **CENTRAL DISTRICT OF CALIFORNIA**

23 KEVIN MICHAEL BROPHY, JR., an
 24 individual,
 25 Plaintiffs,

26 v.

27 BELCALIS ALMANZAR aka CARDI B,
 28 an individual; KSR GROUP, LLC, a New
 York limited liability company;
 WASHPOPPIN, INC., a New York
 corporation; and DOES 1-20, inclusive,
 Defendants.

Case No. 8:17-cv-01885-CJC(JPRx)

Judge: Hon. Cormac J. Carney,
 Location: Courtroom

JOINT WITNESS LIST

Motion Cut-Off: Sept. 21, 2020
 Pre-Trial Conference: Jan. 18, 2022
 Trial: Feb. 1, 2022

1 Plaintiff and Defendants hereby submit the following joint trial witness list
2 indicating those witnesses whom they expect to call at trial or may call if need
3 arises, either in person or by deposition. Many of the witnesses listed below have
4 previously submitted declarations and/or testified in deposition or in a prior matter,
5 and their testimony at trial may include the matters covered in such declarations or
6 testimony.

7 Each party reserves the right not to call or present testimony from any
8 particular witness, though Plaintiff has committed to producing Mr. Brophy, Mrs.
9 Brophy and Mr. Hendricks, and Defendants have committed to producing Ms.
10 Almanzar, Mr. Rafael and Mr. Gooden, at trial. By identifying witnesses below,
11 the party does not agree to make any other witness(es) available for trial. The order
12 in which the witnesses are listed represents the parties' present expectation of the
13 order in which they will be called at trial in each respective party's case-in-chief,
14 but is not necessarily the order in which witnesses will in fact be called at trial.
15 Each party reserves the right to call witnesses identified by the other party. The list
16 below does not necessarily include all of those witnesses whom the Parties may call
17 at trial for impeachment or rebuttal. Each Party reserves the right to amend all time
18 estimates.

19 **WITNESSES PLAINTIFF EXPECTS TO PRESENT**

20 *Indicates that witness will be call only if need arises

21 **Kevin Michael Brophy, Jr.** – Plaintiff -- Mr. Brophy may be contacted
22 through his counsel of record, Cappello & Noel, LLP, 831 State St., Santa Barbara,
23 CA 93101-3227 (805) 564-2444.

24 Summary of expected testimony on behalf of Plaintiff: Issues pertaining to
25 the claims and potential defenses raised in this action; Plaintiff's unique,
26 recognizable and identifiable tattoo; Plaintiff's reaction to learning about the use of
27 his likeness on the Gangsta Bitch Vol. 1 mixtape; his lack of consent; the harm and
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1 injury Plaintiff has suffered; his observations of use of his likeness on a variety of
2 merchandise now available in public; Plaintiff's damages.

3 Time Estimates: Direct Examination: 3 hours

4 Re-Direct Examination: .75 hours

5 **Lindsay Michelle Brophy** – Plaintiff's wife -- Mr. Brophy may be contacted
6 through his counsel of record, Cappello & Noel, LLP, 831 State St., Santa Barbara,
7 CA 93101-3227 (805) 564-2444.

8 Summary of expected testimony on behalf of Plaintiff: Issues pertaining to the
9 claims and potential defenses raised in this action; Plaintiff's unique, recognizable
10 and identifiable tattoo; Plaintiff's reaction to learning about the use of his likeness on
11 the Gangsta Bitch Vol. 1 mixtape; his lack of consent; the harm and injury Plaintiff
12 has suffered; his observations of use of his likeness on a variety of merchandise now
13 available in public; Plaintiff's damages.

14 Time Estimates: Direct Examination: 1 hour

15 Re-Direct Examination: .5 hours

16 **Timothy Hendricks** – Plaintiff's tattoo designer -- Classic Tattoo, 521 N.
17 Harbor Blvd., Fullerton, California 92832; (714) 870-0805.

18 Summary of expected testimony on behalf of Plaintiff: The creation and inking
19 of Plaintiff's tattoo; Mr. Hendrick's friendship with Plaintiff; the uniqueness,
20 recognizability and value of Plaintiff's tattoo.

21 Time Estimates: Direct Examination: 1.5 hours

22 Re-Direct Examination: .5 hours

23 **Belcalis Almanzar, aka Cardi B** –Defendant and Principal of Defendant
24 Washpoppin, Inc.-- Ms. Almanzar may be contacted through her counsel of record,
25 Alan G. Dowling, Esq., 1043 Pacific St., No. 1, Santa Monica, CA 90405, (818) 679-
26 6395.

27 Summary of expected testimony on behalf of Plaintiff: Issues pertaining to the
28 claims and potential defenses raised in this action; Defendants' creation, publication

1 and use of Plaintiff’s likeness; Defendants’ profits earned from the Gangsta Bitch
2 Music Vol. 1 mixtape; Defendants’ receipt of cease and desist letters and continuing
3 use of Plaintiff’s likeness against his consent.

4 Time Estimates: Cross Examination: 4 hours
5 Re-Cross Examination: 1.5 hours

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7 **Klenord Shaft Rafael, aka Shaft** –Principal of Defendant KSR Group, LLC-
8 -- Mr. Rafael may be contacted through Defendants’ counsel of record, Alan G.
9 Dowling, Esq., 1043 Pacific St., No. 1, Santa Monica, CA 90405, (818) 679-6395.

10 Summary of expected testimony on behalf of Plaintiff: Issues pertaining to the
11 claims and potential defenses raised in this action; Defendants’ creation, publication
12 and use of Plaintiff’s likeness; Defendants’ profits earned from the Gangsta Bitch
13 Music Vol. 1 mixtape; Defendants’ receipt of cease and desist letters and continuing
14 use of Plaintiff’s likeness against his consent.

15 Time Estimates: Cross Examination: 3 hours
16 Re-Cross Examination: 1.5 hours

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18 **Timm Gooden** –Graphic Designer -- 87-05 166th Street Apt 4C, Jamaica, New
19 York 11432, (347) 882-7056.

20 Summary of expected testimony on behalf of Plaintiff: Communications with
21 Defendants and others concerning the creation of the Gangsta Bitch Music Vol. 1
22 mixtape cover; Mr. Gooden’s work on behalf of Defendants.

23 Time Estimates: Cross Examination: .75 hours
24 Re-Cross Examination: .25 hours

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26 ***Jason Lacheta** – Business Manager/Senior Accountant, Boulevard
27 Management, 21731 Ventura Blvd #300, Woodland Hills, CA 91364, (310) 278-
28 8588, Jason@blvdmgmt.com.

1 Summary of expected testimony on behalf of Plaintiff: Defendants’ earnings
2 and financial condition.

3 Time Estimates: Cross Examination: 2 hours
4 Re-Cross Examination: .5 hours
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6 ***Joey Seiler** – General Counsel, Empire Distribution, Records and Publishing,
7 Inc., 235 Pine Street, 24th Floor, San Francisco, CA, (415) 528 5508, joey@empi.re.

8 Summary of expected testimony on behalf of Plaintiff: Empire’s business
9 relationship with Defendants; distribution of the Gangsta Bitch Music Vol. 1
10 mixtape; royalties and profits earned from the Gangsta Bitch Music Vol. 1 mixtape.

11 Time Estimates: Cross Examination: 1.5 hours
12 Re-Cross Examination: .5 hours
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16 **WITNESSES DEFENDANTS EXPECT TO PRESENT**

17 *Indicates that witness will be called only if the need arises

18 **Belcalis Almanzar, aka Cardi B** – Defendant and Principal of Defendant
19 Washpoppin, Inc.-- Ms. Almanzar may be contacted through her counsel of record,
20 Alan G. Dowling, Esq., 1043 Pacific St., No. 1, Santa Monica, CA 90405, (818) 679-
21 6395.

22 Summary of expected testimony in behalf of Defendants: All issues
23 pertaining to the claims and defenses raised in this action; information pertinent to
24 the activities and career of Cardi B, including without limitation as regards the
25 mixtape *Gangsta Bitch Music, Vol 1* and the mixtape artwork for that work;
26 information regarding the creation and operation of Washpoppin, Inc.; also,
27 testimony anticipated in support of various of the affirmative defenses asserted by
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1 this and any other defendants in this action, and their denial of various allegations
2 by Plaintiff.

3 Time Estimates: Direct Examination: 2.5 hours

4 Re-Direct Examination: 0.5 hours

5 **Klenord Shaft Rafael, aka Shaft** –Principal of Defendant KSR Group, LLC-
6 - Mr. Rafael may be contacted through Defendants’ counsel of record, Alan G.
7 Dowling, Esq., 1043 Pacific St., No. 1, Santa Monica, CA 90405, (818) 679-6395.

8 Summary of expected testimony in behalf of Defendants: All issues pertaining
9 to the claims and defenses raised in this action; information pertinent to the activities
10 and career of Cardi B, including without limitation as regards the mixtape *Gangsta*
11 *Bitch Music, Vol 1* and the mixtape artwork for that work, and especially the
12 involvement of KSR Group, LLC; information regarding the creation and operation
13 of KSR Group, LLC; also, testimony anticipated in support of various of the
14 affirmative defenses asserted by this and any other defendants in this action, and their
15 denial of various allegations by Plaintiff.

16 Time Estimates: Direct Examination: 3.0 hours

17 Re-Direct Examination: 0.5 hours

18 **Kevin Michael Brophy, Jr.** – Plaintiff – Mr. Brophy may be contacted
19 through his counsel of record, Cappello & Noel, LLP, 831 State St., Santa Barbara,
20 CA 93101-3227 (805) 564-2444.

21 Summary of expected testimony in behalf of Defendants: Information
22 pertinent to the subject matter of the Complaint or other court papers filed by or in
23 behalf of the Plaintiff herein, all claims and assertions of fact or law set forth
24 therein, and further including in particular but without limitation as regards any and
25 all alleged injury or damages suffered by the Plaintiff; also, testimony anticipated
26 in support of various of the affirmative defenses asserted by this and any other
27 defendants in this action, and their denial of various allegations by Plaintiff.

28 Time Estimates: Cross Examination: 2.5 hours

1 Re-Cross Examination: 0.5 hours

2 **Lindsay Michelle Brophy** – Plaintiff’s wife -- Mr. Brophy may be contacted
3 through his counsel of record, Cappello & Noel, LLP, 831 State St., Santa Barbara,
4 CA 93101-3227 (805) 564-2444.

5 Summary of expected testimony in behalf of Defendants: Information
6 pertinent to the subject matter of the Complaint or other court papers filed by or in
7 behalf of the Plaintiff herein, all claims and assertions of fact or law set forth
8 therein, and further including in particular but without limitation as regards any and
9 all alleged injury or damages suffered by the Plaintiff; also, testimony anticipated
10 in support of various of the affirmative defenses asserted by this and any other
11 defendants in this action, and their denial of various allegations by Plaintiff.

12 Time Estimates: Cross Examination: 1.0 hours

13 Re-Cross Examination: 0.5 hours

14 **Timothy Hendricks** – Plaintiff’s tattoo designer -- Classic Tattoo, 521 N.
15 Harbor Blvd., Fullerton, California 92832; (714) 870-0805.

16 Summary of expected testimony in behalf of Defendants: The design,
17 creation, history, and content of Plaintiff’s back and arm tattoos, the ownership of
18 any and all rights (including without limitation copyright) in the design thereof, the
19 publication of any photographs or other pictorial depictions thereof by Mr.
20 Hendricks or any third parties, and tattoo art history, designs and customs.

21 Time Estimates: Cross Examination: 1.5 hours

22 Re-Cross Examination: .5 hours

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24 **Timm Gooden** – Graphic Designer -- 87-05 166th Street, Apt 4C, Jamaica,
25 New York 11432, (347) 882-7056.

26 Summary of expected testimony in behalf of Defendants: The design and
27 creation of the mixtape artwork for *Gangsta Bitch Music, Vol 1*, and his
28 communications relating thereto; issues pertaining to the claims and defenses raised

1 in this action; also, testimony anticipated in support of various of the affirmative
2 defenses asserted by this and any other defendants in this action, and their denial of
3 various allegations by Plaintiff.

4 Time Estimates: Direct Examination: 1.5 hours
5 Re-Direct Examination: 0.5 hours
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7 ***Brandon Walczak, aka The6atSix**- Mr. Walczak may be contacted through
8 Defendants' counsel of record, Alan G. Dowling, Esq., 1043 Pacific St., No. 1, Santa
9 Monica, CA 90405, (818) 679-6395.

10 Summary of expected testimony in behalf of Defendants: Creation and
11 circumstances of the original photographs taken of him posing with Cardi B, of which
12 one was selected for use in the creation of the mixtape artwork for *Gangsta Bitch*
13 *Music, Vol 1*.

14 Time Estimates: Direct Examination: 0.5 hours
15 Re-Direct Examination: 0.25 hours

16 ***Patience Foster**-- The Cream Agency, 1007 N Orange St, Wilmington,
17 DE 19801.

18 Summary of expected testimony in behalf of Defendants: Developments and
19 historical events in the career of Cardi B; factors contributing to her popularity and
20 success; preparation of exhibit produced in this case.

21 Time Estimates: Direct Examination: 0.5 hours
22 Re-Direct Examination: 0.25 hours

23 ***Ravi Shelton** – personal manager --Outlet Media Group, LLC, 5736
24 Jamerson Dr., Atlanta, GA 30359.

25 Summary of expected testimony in behalf of Defendants: Developments and
26 historical events in the career of Cardi B; factors contributing to her popularity and
27 success.

28 Time Estimates: Direct Examination: 0.5 hours

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Re-Direct Examination: 0.25 hours

***Jason Lacheta** – Business Manager/Senior Accountant, Boulevard Management, 21731 Ventura Blvd #300, Woodland Hills, CA 91364, (310) 278-8588, Jason@blvdmgmt.com.

Summary of expected testimony on behalf of Defendants: Tax returns and financial statements prepared for Cardi B and Washpoppin, Inc.; accounting and financial information pertinent to the sale, licensing or exploitation of *Gangsta Bitch Music, Vol 1*, or pertinent to other income or expenses related to the career and professional or business activities of Cardi B, in so far as such matters become relevant and discoverable in this action.

Time Estimates: Direct Examination: 1.0 hours
Re-Direct Examination: 0.5 hours

***Neil Gargiulo¹** – Financial Advisor -- Gargiulo & Company, 120 Broadway, Ste 945, New York, NY 10271 (212) 587-7270.

Summary of expected testimony on behalf of Defendants: Tax returns prepared for KSR Group, LLC and Klenord Shaft Raphael; accounting and financial information pertinent to the sale, licensing or exploitation of *Gangsta Bitch Music, Vol 1*, or pertinent to other income or expenses related to the professional or business activities of KSR Group, LLC, in so far as such matters become relevant and discoverable in this action.

Time Estimates: Direct Examination: 1.0 hours
Re-Direct Examination: 0.5 hours

¹ Plaintiff objects to Defendants calling Mr. Gargiulo as a trial witness on the grounds that he was not timely disclosed.

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Re-Direct Examination: 0.5 hours

***Joey Seiler** – General Counsel, Empire Distribution, Records and Publishing, Inc., 235 Pine Street, 24th Floor, San Francisco, CA, (415) 528 5508, joey@empi.re.

Summary of expected testimony on behalf of Defendants: Royalty accounting, streaming, factors contributing to sales/purchasing and streaming, marketing, promotion, issues relating to apportionment and causation vis-à-vis Plaintiff’s claims for disgorgement of profits, corporate motives vis-à-vis Cardi B-related contracts and advances; information pertinent to the negotiation, entry into, and performance under any agreement(s) with KSR Group, LLC, Washpoppin, Inc. and/or Belcalis Almanzar (professionally known as Cardi B) pertaining to or applicable to recordings by and activities of Cardi B, and information pertaining to release, sale and other exploitation of such recordings, and the generation of income and incurring of expenses in connection therewith; also, testimony anticipated in support of various of the affirmative defenses asserted by this and any other defendants in this action, and their denial of various allegations by Plaintiff.

Time Estimates: Direct Examination: 1.0 hours
Re-Direct Examination: 0.5 hours

***David Przygoda** - Senior Litigation Counsel, Sony Corporation of America, 25 Madison Avenue, 26th Floor, New York, NY 10010-8601, Phone: 212-833-5223, david.przygoda@sony.com.

Summary of expected testimony on behalf of Defendants: Royalty accounting, corporate motives vis-à-vis Cardi B-related contracts and advances.

Time Estimates: Direct Examination: 0.5 hours
Re-Direct Examination: 0.5 hours

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Dated: January 4, 2022

CAPPELLO & NOËL LLP

By: /s/ Lawrence J. Conlan

A Barry Cappello
Lawrence J. Conlan

Dated: January 4, 2022

ALAN G. DOWLING, APC

By: /s/ Alan G. Dowling

Alan G. Dowling