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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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KATHRYN TOWNSEND GRIFFIN, HELEN  
MCDONALD, and THE ESTATE OF  
CHERRIGALE TOWNSEND,

Plaintiffs,

- against -

EDWARD CHRISTOPHER SHEERAN, p/k/a  
ED SHEERAN, ATLANTIC RECORDING  
CORPORATION, d/b/a ATLANTIC  
RECORDS, SONY/ATV MUSIC PUBLISHING,  
LLC, and WARNER MUSIC GROUP  
COPRORATION, d/b/a ASYLUM RECORDS,

Defendants.

- - - - -X

17 Civ. 5221 (LLS)

ORDER ON DEFENDANTS'  
IN LIMINE MOTION RE:  
DR. ALEXANDER STEWART

Following in limine rulings 1, 2 and 3 in the March 24,  
2020 Opinion and Order, Dr. Stewart is bound by, and shall abide  
by numbers 1 and 2 of those rulings, with which he is to be made  
familiar before he testifies. In addition,

4.

Dr. Stewart shall express no opinion on whether any musical  
work, or any part of any musical work, is "protected" (by  
copyright or originality) or is substantially similar to the  
Let's Get It On deposit copy. Those are legal conclusions  
outside his area of expertise.

5.

For reasons particular to this case, Dr. Stewart shall not  
characterize Let's Get It On or a constituent element of it,

such as a chord progression or harmonic rhythm, as being "unique," "distinctive," "unusual" or the like. That is because such opinions were not disclosed in his Report, his prior art research was not such as to support them, and there is uncontradicted proof that those elements in this case are common musical techniques.

6.

Dr. Stewart may testify to similarities in the vocal melodies, subject to cross-examination on deletions and alterations he made to produce or enhance them.

So ordered.

Dated: New York, New York  
August 18, 2020



LOUIS L. STANTON  
U.S.D.J.