

**Jacob Glick**  
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January 5, 2005

Mr. Kevin E. Kemp  
Barrister  
1 Victoria Street East  
Box 381  
Alliston, ON L9R 1V6

Dear Mr. Kemp:

**Re: Morris & Claman Associates et al v. The Canadian Broadcasting Corporation**

In reviewing your Statement of Claim, it has become apparent that we require further particulars in order to finalize our Statement of Defence. Please provide particulars of the manner in which CBC allegedly:

- refused to permit use of the theme song for Hockey Night in Canada (the “Composition”) in third party commercials, as set out in paragraph 34(d) of your Statement of Claim;
- created “billboard” ads for Ford Motor Company, as set out in paragraph 34(f) of your Statement of Claim;
- misrepresented to third parties that the Composition should be called “CBC’s Hockey Night in Canada Theme Song”, as set out in paragraph 34(h) of your Statement of Claim;
- used the Composition on a broadcast of the Royal Canadian Air Farce, as set out in paragraph 34(j) of your Statement of Claim;
- used the Composition on a Guy LaFleur tribute, as set out in paragraph 34(k) of your Statement of Claim;
- used the Composition on a Rick Mercer special, as set out in paragraph 34(l) of your Statement of Claim;
- used the Composition on various curling broadcasts, as set out in paragraph 34(m) of your Statement of Claim;
- altered substantially the musical arrangement of the Composition, as set out in paragraph 35 of your Statement of Claim; and
- continued to use the Composition outside of Canada in breach of the Synchronization License, as set out in paragraph 36 of your Statement of Claim.

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Mr. Kevin E. Kemp

To the extent that documents exist to support these allegations, please produce said documents. Please treat this as a Request for Particulars made pursuant to the *Rules of Civil Procedure*.

Also, please provide the documents referred to in paragraphs 2, 3, 4 and 30 of your Statement of Claim. Specifically, please provide:

- documents demonstrating the chain of title to the Composition, indicating that the Plaintiffs are the owners and administrators of the copyrights referred to in your Statement of Claim; and
- letters referred to in paragraph 30 of your Statement of Claim in which you allege that CBC demanded that various third parties cease and desist any involvement and/or use of the Composition in circumstances where CBC had no authority to do so.

Please treat this as a Request to Inspect made pursuant to the *Rules of Civil Procedure*.

We look forward to hearing from you.

Yours very truly,

**McCarthy Tétrault LLP**

Per:



Jacob C. Glick

JCG/mch

c: Mark Freiman