

**Attorneys  
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## **Pryor Cashman Obtains Dismissal With Prejudice of Claims Relating to Song "I Love This Bar" by Toby Keith**

Pryor Cashman obtained the dismissal with prejudice of a copyright infringement lawsuit filed against clients Sony/ATV Songs LLC and songwriter Scotty Emerick in the U.S. District Court of the Southern District of Florida. Plaintiff claimed that the popular country and western song *I Love This Bar*, recorded by Toby Keith and co-written by him and Scotty Emerick, infringed upon his song.

Litigation partner Donald S. Zakarin and Keith's counsel took Plaintiff's deposition and obtained an admission that *I Love This Bar* already existed and had been publicly performed *before* he claimed Keith and Emerick had access to his song. In addition, Plaintiff admitted that many of the claimed similarities in fact did *not* exist or were neither unique nor original to his song.

Following the deposition (and before any deposition of any of the defendants), Zakarin wrote to Plaintiff's counsel and detailed the deficiencies in Plaintiff's claim and the consequences of the admissions he had made, strongly suggesting that the case be withdrawn before any further time and expense was incurred. Thereafter, counsel for the defendants collaborated on a further letter which advised that Keith, Emerick and Sony/ATV would move for summary judgment and seek Rule 11 sanctions unless the case were immediately withdrawn. Plaintiff thereupon agreed to voluntarily dismiss the case *with prejudice*.