

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

IN RE COMPACT DISC MINIMUM ADVERTISED PRICE ANTITRUST LITIGATION]]]]]	MDL DOCKET No. 1361 <i>(This document applies to all actions)</i>
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ORDER ON MOTION FOR MODIFICATION ORDER

The motion for modification order is **DENIED**.

Specifically with respect to the motion for extension of time (Docket No. 245), on May 30, 2003, I ruled that it was **MOOT** because I proceeded to rule on the substantive motion that Mr. Brewer filed, a motion for summary judgment (Docket No. 250). I denied the latter, not on grounds of timeliness, but for failure to comply with the Federal Rules of Civil Procedure (public notice of the proposed settlement of a *parens patriae*/class action is not a call for summary judgment motions by putative members of the class or the residents represented by the State Attorneys General) and the Local Rules of this District. Moreover, Mr. Brewer's papers show that he is not seeking to file a claim within the meaning of the notice and settlement agreement (that would yield him a check approaching \$13, along with the other 3.5 million claimants). Instead, he wants to litigate some issues having to do with the price, quality and engineering of his Beatles cassettes. He requests (in his own words and spelling):

\$6,000,000 AGAINST EMI TAX DEFERED, PRO RATED REFUND
EACH AND BEAT LES CASSETTES ON THE PARLAPHONE

TABLE. PRORATED FROM \$25.00 PER INCLUDING PAUL MCCARTNEY'S VENIS AND MARS AND BAND ON THE RUN, MEET THE BEATLES ALL THE WAY UP TO THE BEATLES IV (ON CAPITOL RECORDS). ALL OF THE LATER BEATLES CASSETTES ON APPLE RECORDS.

Brewer Summ. J. Mot., Ex. B, Notice of Claim. Brewer also seeks an injunction against the defendants requiring them to “digitally remaster all full dimensional stereo by Capitol Records—slow down the pitch—and make available on compact discs all early stereo Beatles . . . pick the best of the British and American . . . and re-do Beatles ’65 (too much distortion).” Id.; see also Opposing Aff. by Michael L. Brewer (Docket No. 269); Pls.’ Opp’n to Request by Michael Lane Brewer for Mot. for Extension of Time (Docket No. 246); Brewer Nunc Pro Tunc Mem. (Docket No. 271).

However, the Clerk of Court shall comply with Mr. Brewer’s request for a photocopy of the Court’s Order(s) in question.

SO ORDERED.

DATED THIS 17TH DAY OF JUNE, 2003

D. BROCK HORNBY
UNITED STATES DISTRICT JUDGE

IN RE CD MINIMUM ADVERTISED PRICE ANTITRUST LITIGATION, MDL DOCKET NO. 1361

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