



Kenton County School District | It's about ALL kids.

Issue Paper

DATE:

May 25, 2021

AGENDA ITEM (ACTION ITEM):

Consider/Approve the contract with Bruce Springsteen drawn up by Grubman, Shire, Meiselas and Sacks, P.C. Attorneys at Law on his behalf for musical rights to several Bruce Springsteen compositions which will be used as part of a live jukebox musical to be performed by the Dixie Heights Drama department in the fall of 2021.

APPLICABLE BOARD POLICY:

01.1 Legal Status of the Board

HISTORY/BACKGROUND:

Each year the Dixie Heights Drama Department produces and performs a variety of shows including, but not limited to, first run Broadway shows. In the fall of 2021, the Dixie Drama Department would like to perform a live jukebox musical with compositions by Bruce Springsteen. Permission has been granted by Bruce Springsteen for the use the compositions to be performed live.

FISCAL/BUDGETARY IMPACT:

The cost of the rights to the material will be \$250.00. All expenses and monies collected for the show will be paid from the Dixie Heights Drama Department. Other expenses will include rights to the show, props, costumes, sets, lighting, makeup, advertising, etc. Proceeds from ticket sales will benefit the Dixie Heights Drama Department.

RECOMMENDATION:

Approval to Approval of the Dixie Heights Drama Department to contract with Bruce Springsteen for use of his musical compositions to be performed live in the jukebox musical.

CONTACT PERSON:

Alex Koenig/Teresa Catchen

A blue ink signature, likely of Alex Koenig or Teresa Catchen, written over a horizontal line.

Principal/Administrator

A blue ink signature, likely of Martha Settle, written over a horizontal line.

District Administrator

A blue ink signature, likely of the Superintendent, written over a horizontal line.

Superintendent

Use this form to submit your request to the Superintendent for items to be added to the Board Meeting Agenda.

Principal –complete, print, sign and send to your Director. Director –if approved, sign and put in the Superintendent's mailbox.

ALLEN J. GRUBMAN
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*ADMITTED IN CALIFORNIA ONLY

Via Email:

alex.koenig@kenton.kyschools.us

May 14, 2021

Dixie Heights High School
c/o Alex Koenig
3010 Dixie Highway
Edgewood, Kentucky 41017

Re: Bruce Springsteen
Use of Various Compositions
Johnny 99

Dear Mr. Koenig:

Our client has asked us to inform you that your request seeking permission to use the Bruce Springsteen compositions entitled "Atlantic City," "Johnny 99," "Highway Patrolman," "Mansion On The Hill," "My Father's House," "Nebraska," "Open All Night," "Reason To Believe," "State Trooper" and "Used Cars" (collectively, the "Compositions") solely in and as part of the live jukebox musical entitled Johnny 99 (the "Production") to be performed by Dixie Heights High School students (the "Cast"), has been approved, subject to the following terms and conditions:

1. This license is limited to the four (4) performances of the Production by the Cast to take place in November, 2021 at the Dixie Heights High School in Edgewood, KY;
2. No arrangement or other derivative works of any of the Compositions may be made nor may any of the Compositions be modified in any manner;
3. The Compositions are to be performed live, and no use of the Bruce Springsteen recordings of the Compositions are to be used in the Production;
4. You may not record the work, whether in the form of audio-only or audio-visual recordings, in any form or medium, or make any use of any of the Compositions, in any form, other than as part of the performance of the Production as specified above, without our client's prior written approval. No audio-only or audio-visual recording of any performance of the

5. Neither you, nor any member of your staff, nor any other individual or entity, including but not limited to those who contract with you to provide services to you, may claim any rights of any nature in any of the Compositions or any portion thereof;

7. With respect to any textual materials, including, but not limited to, any program accompanying the exhibition of any performance of the Production, you shall accord credit to publisher and writer in substantially the following format:

The size, placement and prominence of such credit shall be no less than that accorded other writers and/or publishers or others who have licensed other musical compositions to you for use in the performance of the Production;

8. This license is non-exclusive. No warranties or representations of any kind or nature are made or implied by the granting of this permission. This permission is granted solely to you and may not be assigned or sublicensed; any attempt to do so will render this permission entirely void and without further force or effect. This license may not be modified or amended in any way except by written instrument executed on behalf of our client and by you; and

Dixie Heights High School

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9. No rights have been granted for the use of the name and/or likeness of Bruce Springsteen in any advertising or promotion of any performance of the Production or otherwise.

If the foregoing terms and conditions are satisfactory, please so indicate by executing each of the enclosed copies of this permission where indicated and returning one (1) fully-executed copy to the undersigned.

Of course, if you have any further questions regarding this matter, please feel free to call us.

Sincerely yours,



Mona Okada

Paralegal

ACCEPTED BY AND AGREED TO:

DIXIE HEIGHTS HIGH SCHOOL

Alex Koenig

DRF/MO/jb

cc: Mr. Jon Landau
Ms. Barbara Carr
Ms. Mona Okada