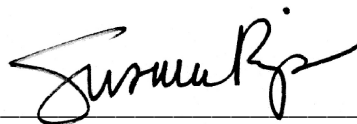


defendant received from digital downloads, as did the prior agreement between plaintiffs and defendant's assignor.

The court correctly denied summary judgment dismissing so much of the breach of contract cause of action relating to defendant's retention of revenues paid to it by SoundExchange (plaintiffs' claim 16), since issues of fact exist as to the amount of revenues paid by SoundExchange to defendant and the amount that plaintiffs are entitled to.

THIS CONSTITUTES THE DECISION AND ORDER
OF THE SUPREME COURT, APPELLATE DIVISION, FIRST DEPARTMENT.

ENTERED: DECEMBER 17, 2015

A handwritten signature in black ink, appearing to read "Susan R.", written over a horizontal line.

CLERK