

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

CURB RECORDS, INC. and MIKE CURB
FOUNDATION,

Plaintiffs,

v.

Civil Action No. 3:21-cv-0500

WILLIAM LEE, as Governor of the State of Tennessee, in his official capacity; CARTER LAWRENCE, as Commissioner of the Tennessee Department of Commerce and Insurance, in his official capacity; WILLIAM B. HERBERT IV, as Director of the Nashville Department of Codes and Building Safety, in his official capacity; and GLENN FUNK, as District Attorney General for the 20th Judicial District of Tennessee, in his official capacity,

Defendants.

DECLARATION OF MICHAEL CURB

I, Michael Curb, do hereby voluntarily make the following declaration under penalty of perjury:

1. I am over the age of 18 and fully competent to testify to the matters set forth in this declaration. I have personal knowledge of the matters set forth herein.

2. I started my career in the record business almost six decades ago in California and Curb Records, Inc. (“Curb Records”) has operated for almost three decades in Nashville, Tennessee. I am fortunate that Curb Records has been very successful, launching the careers of numerous stars and my companies over the almost six decades have achieved more than 300 No. 1 records. Curb Records currently maintains its principal office in Nashville, Tennessee.

3. In addition to my work as a record producer, I have personally written more than 400 songs and received BMI performance awards for compositions in the pop and country music genres. I have a star on the historic Hollywood Walk of Fame and a star on the Music City Walk of Fame in Nashville. I also partnered with the Grammy Museum in Los Angeles where the Mike Curb Gallery is located and helped develop the Grammy Gallery at the Musicians Hall of Fame in Nashville.

4. Outside of my music career, I have been active in politics and served as the 42nd Lieutenant Governor of California from 1979 to 1983 and I served less than a year as the acting Governor of California. I was co-chairman of Ronald Reagan's successful presidential campaign in 1980.

5. In addition to Curb Records, I also founded the Mike Curb Foundation (the "Foundation"), a Tennessee nonprofit corporation with its principal office in Nashville, Tennessee. The Foundation receives support from contributions from Curb Records.

6. Since their inception, Curb Records and the Foundation have provided grants and gifts totaling more than \$100 million in Tennessee in support of education, historic preservation, the homeless, and a wide range of other civic and charitable endeavors in local communities. In an effort to save world-famous Music Row, the Curb entities have purchased 15 properties on Music Row.

7. The projects of the Foundation and Curb Records include the Curb Center at Vanderbilt University, the Mike Curb College of Entertainment and Music Business at Belmont University, the Linda and Mike Curb Institute for Advanced Medical Education at St. Thomas Hospital, Elvis Presley's first home in Memphis, Historic RCA Studio B, Historic Columbia Studio A, Historic Quonset Hut, the Mike Curb Institute for Music at Rhodes College in Memphis,

the Fisk University Jubilee Chair, the Curb Victory Hall for homeless veterans and over 100 other Tennessee charitable projects.

8. Curb Records and the Foundation have as core values anti-discrimination and treating everyone with equality and respect.

9. Curb Records and the Foundation believe that transgender persons deserve equality and respect.

10. HB 1182 (the “Compelled Sign Law”) stigmatizes transgender persons and encourages members of the public to view transgender persons as a threat. It does so by requiring entities that allow transgender women to use women’s restrooms and transgender men to use men’s restrooms to post a false and misleading notice stating that persons of “either biological sex” are permitted to use such restrooms “regardless of the designation on the restroom.”

11. The Compelled Sign Law also increases the risk that transgender persons, including any transgender employees and customers of Curb Records and the Foundation, will be subjected to discrimination.

12. Curb Records and the Foundation do not wish to convey that damaging and intolerant message to their employees, customers, visitors, or to the public at large, and they do not wish for their facilities to be commandeered by the State to spread that message.

13. The Compelled Sign Law interferes with Curb Records and the Foundation’s business and charitable interests and the goodwill they have established, and risks driving away customers and visitors that they want to attract by forcing them to convey a message that conflicts with their corporate values of inclusion, equality, and respect for all people.

14. Curb Records and the Foundation, directly or through other controlled entities, own and/or have operations in multiple office buildings, recording studios, and historic properties in

Nashville. Several of these properties include separate men's and women's restrooms that are open to both employees and visitors. Members of the public regularly visit Curb Records and Foundation properties. Some of the historic properties owned by Foundation entities offer tours to visitors.

15. Both Curb Records and the Foundation permit individuals to use sex-separated shared restrooms in accordance with their gender identity. Like all men, transgender men are permitted to use men's restrooms, and like all women, transgender women may use women's restrooms. To the best of my knowledge, (i) neither entity asks employees or visitors about their "biological sex" or whether they are transgender before they use our public restrooms, (ii) neither entity is aware of having received a complaint from employees or visitors, about this issue, and (iii) neither entity is aware of any problem or disruption having arisen because of this issue.

16. By requiring Curb Records and the Foundation to post the prescribed notice, the Compelled Sign Law forces us to speak a discriminatory message with which we profoundly disagree. These entities seek to promote equality and inclusion for all, but the Compelled Sign Law forces them to alter that message and instead send the false and damaging message that transgender men are not men and transgender women are not women, and that there is some reason coworkers and members of the public should fear or be concerned about everyday interactions with transgender people such as using shared sex-separated restrooms.

17. Curb Records and the Foundation are forced to speak the State's discriminatory message regardless of whether we post the prescribed notices or decline to do so. Under the Compelled Sign Law, entities that discriminate against transgender people with respect to restroom access are not required to post the prescribed signage. For this reason, the Compelled Sign Law places Curb Records and the Foundation in a dilemma with no solution: If we post the required

notices, we will be directly spreading the State's stigmatizing message. If, on the other hand, we do not post the notices, transgender persons and others who are aware of the Compelled Sign Law may inaccurately believe that Curb Records and the Foundation discriminate against transgender people by forbidding them access to restrooms based on their gender identity. The very existence of the law forces Curb Records and the Foundation to spread the State's message that transgender persons are inferior and should not be permitted to use and enjoy shared public spaces on equal terms with other people.

18. Curb Records has more than met the minimum employee requirements for each working day in each of twenty or more calendar weeks in the current and preceding calendar year necessary to be subject to Title VII.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: June 30, 2021

A handwritten signature in black ink that reads "Michael Curb". The signature is written in a cursive style with a large initial "M".

Michael Curb