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IN THE COPYRIGHT CLAIMS BOARD

Docket Number

23-CCB-0037

Osuchowski v. Lewis, et al.

AFFIDAVIT OF JOANN SEMANDER

1. I, Joann Semander, formerly known as John Semander, took part in the creation of the artwork for "A Swamp."
2. I was the guitarist in Obsidian from its start until 2019.
3. The photo for "A Swamp" was taken in 2018 at Easterlin Park, Florida by Tyler Lewis, Christopher Annis and I had arranged the props. I vividly recall Charles Osuchowski wanting the album art to be all of us standing in swamp water. Tyler Lewis, the authoritative creator of Obsidian, wanted a cross in a swamp to symbolize what the song "A Swamp" was about, dying in Florida.
4. Though I was not on the "Living Dead" record, I was on the recording for the original "Living Dead", that was on "A Swamp" record. Tyler Lewis had stated that the follow-up would be "Living Dead" and that the artwork would be based on the namesake of the band which was Tyler Lewis's self-harming with a piece of obsidian which led to them being institutionalized. This was not only the namesake for Obsidian but the idea behind the artwork for "Living Dead". I was also assisting with re-tracking for "Living Dead" after there was a dispute between Fuzzbaby Records and Obsidian, leaving Obsidian to finish the record. However, I was not in any capacity a band member at the time.

5. I have also recorded on Eros, Hypnos, and Thanatos in 2018. This wasn't released until after I had been replaced by Dylan Thomas on guitar. I do not recall anything about the creation of the artwork for this song.
6. To my knowledge and memory, Charles Osuchowski only contributed to formating the photos for the physical and digital release of the albums. Thus was his usual band dynamic, executing Tyler Lewis's and other band member's ideas.
7. Upon my joining Obsidian in 2018 I was told by all members and understood that all works contributed to Obsidian would belong to Obsidian.

FURTHER AFFIANT SAYETH NAUGHT

Joann Rosemary Semander
Joann Semander

STATE OF NEW YORK VMJR ~~XXXXXX~~ Virginia)
COUNTY OF Chesapeake VA. 23323 USA)

The foregoing Affidavit was sworn to me and subscribed before me this 17th day of June, 2024, by Joann Semander who is personally known to me, or who produced State Driver Lic as identification.

Vernon Mayfield Jr
NOTARY PUBLIC

COMMONWEALTH OF VIRGINIA · ELECTRONIC NOTARY PUBLIC ·

Vernon Mayfield Jr

REGISTRATION NUMBER
7064462
COMMISSION EXPIRES
December 31, 2026

Notarized remotely online using communication technology via Proof.

Proof of Delivery

I hereby certify that on Wednesday, September 11, 2024, I provided a true and correct copy of the Witness Statement to the following:

Tyler F Lewis, Mr, represented by Tyler F Lewis Mr, served via MANUALEEMAIL

Christopher Annis, Mr, represented by Christopher Annis Mr, served via MANUALEEMAIL

Charles Osuchowski, represented by Charles L Osuchowski, Mr., served via ESERVICE at chuck@ironforgepress.com

Signed: /s/ Kathy Diaz