

FILED

13 AUG 16 AM 11:31

THE HONORABLE SUSAN AMINI
KING COUNTY
NOTED WITHOUT ORAL ARGUMENT ON AUGUST 30, 2013
SUPERIOR COURT CLERK

E-FILED

CASE NUMBER: 12-2-21829-3 SEA

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

GEOFF TATE and SUSAN TATE, a
married couple,

Plaintiffs,

vs.

No. 12-2-21829-3 SEA

**DECLARATION OF SCOTT
ROCKENFIELD**

**EDDIE JACKSON and TERESA
GOLDEN-JACKSON**, a married couple;
**SCOTT ROCKENFIELD and MISTY
ROCKENFIELD**, a married couple;
**MICHAEL WILTON and KERRIE LYNN
WILTON**, a married couple; **TRI-RYCHE,
CORPORATION**, a Washington
corporation; **QUEENSRYCHE
MERCHANDISING, INC.**, a Washington
corporation; and **MELODISC, LTD.**, a
Washington corporation,

Defendants.

Under the penalty of perjury under the laws of the State of Washington, I,
Scott Rockenfield, declare:

I am over 18 years of age.

Geoff Tate is not a "founding member" of Queensryche. Chris DeGarmo,
Eddie Jackson, Michael Wilton and I had been working together as a band prior to

1 Geoff Tate's involvement. We had worked with various different vocalists prior to Geoff
2 Tate joining. Geoff Tate joined the band. We did some local shows as The Mob and soon
3 thereafter Geoff Tate quit working with us as he was more interested in working with
4 his friends, Myth. We wrote all of the music and a majority of the lyrics on our first EP
5 and even recorded in various studios with other vocalists. Geoff Tate had only written
6 lyrics to one song, The Lady Wore Black. The cost of the recording was paid for by Chris
7 DeGarmo, Eddie Jackson, Michael Wilton and myself. Geoff Tate did not offer any
8 monies to help with this.

9 All music during the Queensryche era of 1981 until 1997 was written,
10 performed and recorded by Chris DeGarmo, Eddie Jackson, Michael Wilton and myself.
11 The so-called songwriting credits were given to the initial songwriter of any one of us
12 who would bring in a scratched-out idea for the band to review and then potentially
13 work on as a group. Each individual was then a major contributor to the writing and
14 performance of every song to make the unique and successful Queensryche sound.
15 Geoff Tate has only ever written lyrics, and not all of them. He has never written any
16 music that was used for Queensryche.

17 After 1997, upon Chris DeGarmo's departure, and as the years moved on,
18 Geoff Tate became much less interested in working on music with Eddie Jackson,
19 Michael Wilton and myself, and he slowly began insisting on working with other
20 musicians to then be called Queensryche music. *Operation: Mindcrime 2* was a perfect
21 example of Geoff Tate deciding that he would only work on music that he was
22 interested in. He and Susan Tate hired Jason Slater to produce said record, with Geoff
23 Tate deciding that he would only work on music being written by Jason Slater and some
24 others. This did not result in the Queensryche sound we were known for.

1 Geoff Tate also insisted that work would ONLY be done at his home garage
2 studio that did not even have the appropriate equipment to allow Eddie Jackson,
3 Michael Wilton and myself to work there. Eddie Jackson, Michael Wilton and I decided
4 to at least try and keep the Queensryche sound that we would record our parts to each
5 song at our own studios which had the appropriate equipment necessary. After doing
6 so, Geoff Tate and Jason Slater removed our recorded parts and replaced them with
7 drum machines and other sub-par musicians (without us even knowing). This was
8 obviously becoming more and more the monetary and controlling aspect of Geoff and
9 Susan Tate that would continue for years to come.

10 Eddie Jackson, Michael Wilton and I have never stopped supporting
11 Queensryche. Geoff Tate has never been the “face” of Queensryche. None of us alone
12 are the face of Queensryche. Geoff Tate has simply been the vocalist and lyricist. We
13 have always done equal amounts of touring, promotion, writing, recording, personal
14 appearances, etc. Susan Tate would consistently only have Geoff Tate do interviews so
15 that she would make sure and help self-promote her husband and always looking out
16 for his best interest and not the band’s. In fact, in 1994, Geoff Tate insisted he would
17 NOT do any promotions for our CD at that time, and as such, the rest of us spent
18 months doing promotions, press, personal appearances, etc.

19 A significant amount of the profit generated from our QR merchandising
20 while under the control of Geoff Tate and his family members was going directly into
21 the Tates’ pockets. While the band did make profits, we had a significant amount of fans
22 complaining, orders done wrong, long turn-around times for shipments, etc. Also
23 during those times of them running our merchandise office, Miranda and Susan Tate
24 decided to not take appropriate care of our rental office. They continuously brought
25 their pets and also allowed others to have extended stays at the office without

1 informing the band and also going strictly against the rules of our lease agreement and
2 causing damage. Miranda and Susan Tate put themselves on significant salaries to run
3 the corporation. It was only after some very thorough investigation did we discover this
4 and move on to a more professional merchandising company.

5 The research began for new merchandising possibilities and Showtech was
6 just one of those. Their proposal was an industry standard from a very professional
7 company that has been doing merchandise for the band Rush for over 30 years now.
8 The Tates obviously had ulterior motives for expressing their concerns of any new
9 merchandising company, being that the Tate family had put themselves on our payroll.

10 We followed all the guidelines and bylaws of the corporation and the state of
11 Washington to schedule meetings. Geoff Tate was notified each and every time, but he
12 consistently refused to participate, and had even hired an attorney to speak through
13 and make legal rebuttals to our meetings being scheduled. Because Geoff Tate
14 continuously refused to participate, we were forced to continue these meetings without
15 him. We did have a meeting without Geoff Tate prior to the Sao Paulo incident, that was
16 properly notified and called, but he claimed "scheduling conflicts" and refused to
17 participate. It was at that meeting that we shut down the in-house merchandising and
18 terminated Susan Tate's management. He was then sent an official letter of the meeting
19 minutes just prior to the Brazil show he mentions. That led to the emergency meeting
20 where everything from the meeting he did not participate in was discussed and ratified
21 again.

22 By Geoff Tate's actions and assaults that evening on stage, including his
23 continued spitting on me throughout my performance as later seen on YouTube, he
24 made it perfectly clear that he was not happy with the results and decisions of the
25 meeting. Also, let me be perfectly clear, as I have stated this many times, I NEVER said

1 anything to Geoff Tate prior to the stage assault regarding "I'm firing you next." His
2 "facts" have been, and are still, completely false and incorrect. I have multiple
3 eyewitnesses who can corroborate this event and his false and misleading accusations to
4 this date.

5 The two remaining shows that we concluded thereafter were met with Geoff
6 Tate continuously telling the crowds how "they sucked." His actions were also
7 continuously threatening to the band members, which forced us to hire and insist on
8 additional security at the shows to keep Geoff Tate separated from the band and crew.
9 Geoff Tate has never apologized to us, or shown ANY regret or remorse for his actions
10 and assaults. And because he has chosen to do this many times to the band and crew
11 members during our career, we feel that he will not ever regret his actions and also feel
12 he has uncontrollable anger and violent tendencies that will continue to be directed
13 towards the band and crew.

14 As for Susan Tate's commission, she was set at 5% - 7.5% depending on the
15 income source. However, all of her business expenses were continuously being paid for
16 by the band including, but not limited to, flight, hotels, travel, exorbitant dinner and
17 party expenses, her business office and supplies, phone calls, her assistants, pet
18 supplies, water supplies, utilities, groceries, nannies, and many, many more. Almost
19 ALL of these expenses were NOT even approved by the band. She and Geoff Tate and
20 their nannies would use our corporate credit cards at their leisure. All of the added
21 expenses definitely placed her actual commissions at a much higher percentage than
22 10%. Our new management receives 15% of adjusted gross. After deducting flights,
23 buses, lights and sound, the average of commissions currently paid is approximately
24 10%. In addition, unlike Susan, our new management covers ALL their own expenses
25 such as office, phones, travel, meals, etc. Plus, our new management, Paul Geary and

1 Glen Parrish, are some of the top in the industry, coming from Live Nation/Frontline, as
2 opposed to Susan Tate who had almost no experience when she was installed by Geoff
3 Tate.

4 We did vote to replace Geoff Tate as lead singer as a corporate decision that
5 would then allow the band to continue Queensryche for a healthy and positive future.
6 After the document requiring a mandatory buyout could not be found in a fully
7 executed form, we dropped our demand that his "shares" be sold to us within a few
8 weeks. Since then we have only wished to negotiate a buyout, as opposed to simply
9 paying him 25% of the profits until then end of our careers. But the amount, and
10 whether to sell at all, were all subject to good faith negotiation and Geoff Tate's decision.

11 Geoff Tate continues to harm the Queensryche brand. Our newest self-titled
12 Queensryche CD entered the U.S. charts at #23 and continues to get 9 out of 10 star
13 reviews and is still selling very well on a weekly basis around the globe. In comparison,
14 Geoff Tate's Queensryche CD titled *FU* entered the charts at #82, received very bad
15 reviews around the world, and has slowed to almost no more weekly sales. This was an
16 extremely poor attempt at beating us to get a CD out in the stores without considering
17 the standard that Queensryche is known for. Our new CD even outperformed the last
18 two CDs with all of us together, selling more in a month than *Dedicated to Chaos* has
19 since its release in 2010, and charting much better than both that album and the
20 previous one, *American Soldier*. Thus, the return to the classic sound we have taken with
21 the new CD and live shows has been met with overwhelming success.

22 Geoff Tate chose very poorly in hiring live musicians that have shown that
23 they are not capable of representing the correct performances of the Queensryche music
24 legacy, and he was constantly replacing them. He has been offering his low quality
25 version of Queensryche to the promoters at a much reduced rate, as low as \$10,000 per

1 night, when, in fact, we have done our best to keep Queensryche at our average of well
2 over \$20,000 per show this entire year. This continues to be damaging to the
3 Queensryche brand and legacy no matter who ultimately wins control after trial.

4 Eddie Jackson, Michael Wilton and I are 75% owners of the corporations and
5 3 of 4 directors, and have never authorized Geoff Tate to use the Queensryche name or
6 trademarks, let alone run his own rival band. This is important because the
7 Queensryche companies own the band name and logos.

8 Geoff Tate delayed the discovery process until April 2013, a full 10 months
9 after filing. My bandmates and I can only assume this was so that he could receive the
10 monies needed from his unauthorized Queensryche shows, and is then requesting this
11 extension to further gather monies needed for the ongoing litigation by doing more
12 shows at his reduced rate offering.

13 It also a fact that we have made every effort to mediate, including an eight-
14 hour session back in September 2012 which was not at all successful and very costly. So,
15 we have sent an offer through our attorney to see if we can even come to an agreement,
16 or are even anywhere close, before considering mediating again. To date, we have had
17 no response.

18 We are very organized and ready to go to trial on this case. We have all our
19 witnesses and have known most of them and the facts for many, many years. Geoff Tate
20 continues to insist on not being prepared when in fact there is no reason he does not
21 know the facts, people and the witnesses throughout our career. Thus, this continuance
22 appears to us to be more about holding on to the Queensryche name he knows he will
23 lose if there ever is a trial, not about needing to prepare for it.

1 SIGNED this 14th day of August, 2013, at Snohomish County, State of
2 Washington.

3
4 

5
6 _____
7 Scott Rockenfield
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

