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CASE NUMBER: 12-2-21829-3 SEA

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

GEOFF TATE and **SUSAN TATE**, a married couple

Plaintiffs,

v.

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.

No: 12-2-21829-3 SEA

DECLARATION OF MICHAEL WILTON

Under penalty of perjury under the laws of the State of Washington, I, Michael Wilton, declare:

I am the guitarist and founding member of the band Queensryche, which was formed in 1982.

I grew up in San Francisco, California, and moved to Seattle when I was 6 years old. My earliest memories of growing up were going to outdoor concerts in San Francisco with my father

1 and seeing the great bands of the late 60s. My father also introduced me to all types of music,
2 specifically jazz. Music was a big part of my upbringing and still is to this day.

3 I began playing bass after receiving the bass and amplifier that was left to me years prior
4 from an uncle who had passed away. I was 13 years old. I played in numerous garage bands
5 through junior high and high school. In high school, I switched from playing bass to electric
6 guitar. It was also at that this time I met Chris DeGarmo, and we became friends over our
7 shared influences and guitar heroes. We formed a band called "Joker" with other kids from our
8 high school. We played local shows and high school events for about a year. After high school, I
9 went on to Cornish Institute in Seattle, Washington, where I studied classical and jazz music. I
10 attended Cornish for two years, and during this time I met Eddie Jackson and Scott Rockenfield.
11 We had many different variations of bands that would include me, Chris DeGarmo, Scott
12 Rockenfield and Eddie Jackson at different times.

13 We finally came to being a band that included the four of us, and we called ourselves
14 "The Mob." We jammed a lot, but never had a singer for the group. It was after being asked to
15 compete in a local battle of the bands event that we decided we should find someone to sing for
16 us. We asked a local singer named Geoff Tate if he would sing for us that night and he agreed.
17 He was also singing in another band that same night. After this show, Geoff Tate let us know
18 that he was still with his band as he was working on original material with them, and we were
19 only a cover band. We parted ways.

20 After some time, the four of us decided to write our own music and get into a real
21 recording studio. By working at many different jobs, the four of us saved enough money and
22 booked recording time at a local placed called Triad Studios. We had recorded all the music, but
23 had no vocals. All but one of the songs recorded had lyrics. We then asked Geoff Tate if he
24 could sing on the demo for us. He agreed. He also wrote lyrics to the one song that had none.

1 At this time, Geoff Tate was not a member of our band, and was actively still a part of the band
2 “Myth.”

3 After the recording was finished, we took our cassette to the local record store, Easy
4 Street Records. The owners, Kim and Diana Harris, sent a copy of the cassette to Kerrang
5 Magazine, and after getting amazing responses and reviews, the Harris’ personally put up their
6 own money to start a label, later known as 206 Records, to get the music out for distribution. It
7 was at this time, we were told that the name “The Mob” was not available, and we had to pick a
8 new name. That’s when we decided on the name Queensryche which was taken from the song
9 written by Chris DeGarmo, *Queen of the Reich*. Shortly after the album was distributed on 206
10 Records, we received a major recording offer with EMI records. It was not until this point that
11 Geoff Tate was willing to join the band.

12 Our first recording with EMI was the album called *The Warning*. Chris DeGarmo and I
13 wrote all of the music for this album along with lyrics on a few of the songs. Geoff Tate wrote
14 lyrics for the remaining songs without lyrics. *Rage For Order* was the next album with Chris
15 DeGarmo and me writing all the original music and Geoff Tate filling in for songs without lyrics.

16 At the end of the *Rage For Order* tour, we signed with Q Prime Management. They
17 were able to renegotiate our royalty deals with EMI and were able to get upfront money which
18 led to the recording and touring of *Operation: Mindcrime*.

19 Again with *Operation: Mindcrime*, Chris DeGarmo and I wrote the majority of the music,
20 Scott Rockenfield wrote one of the songs, and Geoff Tate wrote majority of the lyrics with the
21 others written by Chris DeGarmo.

22 Q Prime Management was able to pair us up with Metallica on a large U.S. tour, and we
23 were now able to play in venues to larger audiences than we had before. With the success of a
24 video we had running on MTV at the time, along with the touring, *Operation: Mindcrime* became
25

1 our first successful album, and was the first to be certified gold (reaching platinum a couple of
2 years later).

3 After the success of *Operation: Mindcrime*, Q Prime Management wanted us in the
4 studio right away to keep the momentum going with our new fan base. So right away we went
5 to work on *Empire*. Songs were written like they had been in the past, but this time Chris
6 DeGarmo took a more active role in not only the musical side, but the lyrical side as well. Chris
7 DeGarmo solely wrote the song *Silent Lucidity* which went on to become No. 2 on the charts
8 and was nominated for a Grammy. *Empire* was our first album to go platinum, garner industry
9 awards and nominations and to date has sold over 3 million copies. With the success of
10 *Empire*, we toured for over 18 months and subsequently all of our past albums sold more. The
11 *EP*, *The Warning*, and *Rage For Order* went gold and *Operation: Mindcrime* went platinum.

12 The next album was *Promised Land*. It was during the creative process of this recording
13 that tensions over songwriting credits started to emerge. The sense of playing on an equal
14 balance was gone. It was also at this time that Geoff was letting it be known that he was
15 unhappy with us as band mates and also with the direction of the band as he didn't want to sing
16 in the "metal/hard rock" style anymore. He also let us know that this would possibly be his last
17 album and he would be quitting.

18 During the touring of *Promised Land*, Geoff Tate had started to distance himself from the
19 rest of us. He wanted to bring theatrics into the show and felt he needed to have more to do on
20 stage than sing with a microphone. He was going through a hard and difficult time personally.
21 Everyone understood and gave him the space and creativity he needed. There was a feeling
22 that this could be our last tour. At the end of the tour, we came home to let things settle in. The
23 album had not done as great as *Empire* in album sales, the future of the band was uncertain,
24 the pressure to stay on top was huge, and now the sound of grunge was taking over.

1 After many talks, the band decided we would go forward and do another album. Geoff
2 Tate had made a change in his personal life and had decided that he would not be leaving the
3 band. It was also during this time that the writing for *Here In The Now Frontier* started. It was a
4 more song driven and not guitar driven album for the first time in Queensryche history. The
5 songs were very individualistic. With the now huge phenomenon of the “Grunge” sound, the
6 production for this album was very sparse and raw as we were trying to capture an essence of
7 that sound to make us sound more current.

8 During the recording of *Here In The Now Frontier*, personal things changed. Because of
9 a divorce battle between Geoff Tate and Suzanne Tate, band members were subpoenaed and
10 were now put in the middle of a personal fight that ended up causing a large amount of
11 resentment and hurt amongst the band members. It was at this point that tensions became
12 higher and the resentment over royalties became a big issue. Now the demand to be a writer on
13 future Queensryche songs would start to erode the friendships. The dynamics of the band itself
14 had changed. Queensryche was not, nor had it ever been, a band that had a “rock star” image.
15 Now our backstage area was filled with people we didn’t know, and it was a party atmosphere
16 that we had not had in the past. Queensryche was starting to go in a direction that the band did
17 not like.

18 It was at the end of our tour for *Here In The Now Frontier* that Chris DeGarmo left the
19 band. Although the songwriting chemistry of Chris DeGarmo and Geoff Tate may have run its
20 course, but more so Geoff Tate’s personal demeanor with Chris DeGarmo had terminated the
21 relationship. I was saddened to see Chris DeGarmo leave. I have remained a close friend to
22 Chris DeGarmo throughout the years. Also, Q Prime Management decided to drop the band due
23 to Chris DeGarmo’s departure.

24 A decision to move on was agreed upon after a long dinner meeting with band members
25 and wives. We felt we had more to say musically and didn’t want Queensryche to end. It was at

1 that time Geoff Tate mentioned bringing Kelly Gray into the mix. Kelly Gray was an old friend of
2 everyone's as well as one of the members of the band "Myth" that Geoff Tate left when he
3 joined Queensryche. We all worked very hard on the *Q2K* album with the team of Ray Daniels,
4 Rush's management. Extensive touring and smart management decisions pushed the sales of
5 that album well over 150,000 units, a worthy start without the key songwriter. We produced the
6 album together with Kelly Gray engineering.

7 However, Susan and Geoff Tate did not trust the management of Ray Daniels, and
8 Susan Tate then teamed up with Lars Sorensen to manage the band. Immediately there was a
9 strong resentment in the rest of the band about firing Ray Daniels. It was not a unanimous
10 decision. But it was the first of many "my way or the highway" ultimatum's from Geoff Tate.

11 Chris DeGarmo did come back for the recording of the next album *Tribe*, but endless
12 creative wrangling with Geoff Tate caused Chris DeGarmo to leave again and not tour with the
13 band to support the album. This resulted in a year of hard touring with yet another new guitarist
14 that I had to teach all the material to in a short period of time. A co-headline with the band
15 "Dream Theater" was another great concept, but due to a mudslinging press war between Geoff
16 Tate and with the drummer of that band, it ended up being an uncomfortable and trying time for
17 us as a united group.

18 In 2005 things got worse. Geoff Tate came to the band and wanted to kick Lars
19 Sorensen out and have his wife Susan Tate manage the band. There was huge resistance from
20 the rest of us, but Geoff Tate said that unless we hired Susan Tate to manage, Geoff Tate
21 would no longer work with us. We were forced to work with her or the band was over.
22 Reluctantly we agreed to this, feeling we had no other choice if we wanted to remain as a band,
23 but we did refuse to sign a binding contract with her. Again, there was more resentment within
24 the band as the feeling of being held hostage by Geoff Tate's "my way or the highway" theme
25 was becoming apparent.

1 Susan Tate brought to the table the idea to record *Operation: Mindcrime II*. The band
2 was hesitant and did not want to lessen the original. But Susan Tate and Geoff Tate hired a
3 budget producer and took control without really any other input. The manipulation of upfront
4 monies was the Tates' main tool to get what they wanted. Scott Rockenfield, Eddie Jackson and
5 I were squeezed out of having any input in the musical direction or business decisions, thus the
6 project suffered. The rest was an organizational nightmare. The producer was never around
7 when needed; he was constantly asleep on the job or playing games on his media player. He
8 would send emails to the wrong email addresses. During the initial writing phase, I would show
9 up to bring my input to the creative process only to find that the producer, the new guitar player
10 (who were both staying with the Tate's at the time), along with Geoff Tate had been up late the
11 night before or up early that morning and had written the songs without me. I was then told my
12 ideas were not needed as the songs were now done. I could, however, "bring my own style" in
13 during the recording after learning to play what they wrote for me. In frustration, I gave up on the
14 writing process knowing that I would at least get to make changes in the studio to bring back the
15 Queensryche sound into these songs that we were known for.

16 The final straw was when they refused to let me to be a part of the final recordings and
17 mixes. I was shut out and they had the nerve to replace some of my parts on my songs. They
18 denied me flying to San Francisco to be a part of my band, telling me that everything was ready
19 to go and I was not needed. Had the communication been better, and had I been aware that
20 parts needed to be recorded or rewritten, I would have been there. It was not until years later
21 that I even became aware of the issues during the final recording and mixing of *Operation:*
22 *Mindcrime II*. It was all under the control of Geoff and Susan Tate. Call it delusions of grandeur,
23 but they were convinced that this was going to sell three times more than the original, and to
24 date (six years later) this album has sold fewer than 150,000 copies. The original album sold
25 over 500,000 copies within a year.

1 After this tour, I received a phone call from our guitarist, Mike Stone letting me know he
2 was being fired from the band. I had no knowledge of this or that we were even considering
3 letting him go. I immediately called Geoff Tate and Susan Tate and requested a band meeting.
4 It was at this meeting that we were told that Mike Stone was being replaced by Miranda Tate's
5 (Geoff Tate's daughter) new boyfriend, Parker Lundgren. They said that Mike Stone was making
6 too many grand demands and we could hire Parker Lundgren for cheap. We would be making
7 more money. I had never heard Parker Lundgren play, nor was I or the rest of the band included
8 in this major decision. Again, there was division in the band as our voice on most band
9 decisions was being stifled.

10 The next album was a thematic/conceptual idea based on our military. Again, it was a
11 great idea that was not shared. Many of us also have military families and would have enjoyed
12 being a part of writing this on their behalf. At that time in our career we all had such a backlog
13 of songs that we were astounded that Geoff Tate would not work with our ideas. He had taken
14 upon himself to be the lone voice and face of Queensryche along with being an A&R person.
15 Only he is to choose with whom he writes his lyrics with. It was obvious that this is not a team
16 anymore. They have manipulated us with money knowing we have families with mortgages.
17 And still, I, being a team player, worked tirelessly to learn and record all the guitars in Eddie
18 Jackson's garage. I worked my hardest at trying to bring the lost common thread of
19 musicianship of the older recordings but you can only do so much to a song which has
20 cemented vocals that cannot be changed. I set up an arsenal of guitar rigs in Eddie Jackson's
21 house. Kelly Gray and I worked for about 6 months to get as much guitar recording done. Kelly
22 had to work long hours and ended up putting a few of his bits in the songs. This was done
23 because of the time restraint. The last song to be recorded was an acoustic that Kelly Gray had
24 written. The song was to feature Geoff Tate's daughter. Her voice was not situated for the key it
25 was in so Kelly had to time stretch and auto tune it. This made the song slightly out of tune with

1 concert pitch. If you listen to the CD you can tell that it is definitely in its own key. There was a
2 difference of opinion on the mix. In fact, Geoff Tate did not even want me there for fear I would
3 make the guitars too loud and make it sound metal. Again, a rigorous touring schedule followed.
4 And, it was becoming clear that the majority of fans were constantly screaming for the old
5 standard songs. There were many arguments about set lists but Geoff Tate always got his way.
6 We wanted to play the older songs but Geoff Tate didn't want to sing those songs and refused
7 to sing. He would tell us what songs he would only sing and then we had to pick from this list.

8 Next was the Queensryche Cabaret Tour. I was totally not involved in that decision. In
9 fact, I was the only member that stood up for not doing this degrading show. I knew that this
10 would definitely tarnish what was left of the Queensryche brand. I was of the mind that
11 Queensryche was a class act and would never stoop to such a degrading situation with woman
12 on stage, especially the band's own wives and daughters! However, as a majority vote was
13 made to continue with this tour, I felt I had no other option other than being a team player,
14 thinking of my band mates, sucking it up and then giving my best to our fans. And again, Geoff
15 Tate threw a temper tantrum and would not sing requested fan favorites. I came home from this
16 tour disgusted.

17 At this time, I was really worried about the future of the band. As this band has made
18 major changes in its career, I felt it was time for another change. I began approaching and
19 talking with different managements to gather possible different scenarios for the band. I asked
20 for copies of the financials and began to do some budget reports. I called a meeting to share my
21 thoughts and brought figures to show my data. I presented a new management company to the
22 guys as an option to think about only. I was open for discussion, but what I got from Geoff Tate
23 was a personal, slanderous attack of emails saying I had no right to question his role and how I
24 lied about the numbers to prove my point, numbers that were taken directly from statements I
25 had from our accountant and were not lies, nor were they manipulated in any way. I thought this

1 was a democracy, but I guess not. The other band members did not want to rock the boat and I
2 was literally being asked to leave my band by the lead singer. What prevailed were more
3 slanderous statements against my family and me. After talking this over with Eddie Jackson,
4 who was shocked that I was being asked to leave the band and asked me to not quit, and then
5 after talking this over with my family, I agreed to stay with the band after we, the band, all
6 agreed that changes would be made regarding how the business was being run and also with
7 the writing process for the next album. I had worked too long and hard to walk away without
8 giving this one more chance. I did find it questionable as to why I was not allowed to voice my
9 opinion or ask any questions regarding the running of our business.

10 As the touring began to become scarce, the value of the band was dropping. Secondary
11 markets were diminishing. At a casino show in New Mexico, Geoff Tate said to us that they
12 were at a loss as to what to do next, and the money was disappearing fast. We had burned out
13 and over saturated the market. That is when Scott Rockenfield started to brainstorm on ways to
14 efficiently cut costs. He started to look at our outdated fan club and merchandising company.
15 There were a lot of overhead expenses that could be cut or reduced.

16 We started the next recording and it was to be called a "rant session of manic music." It
17 was to be a band effort with everyone contributing and we would write as a band again.
18 Everyone went to town and convened at Scott Rockenfield's studio and dropped all the ideas
19 into his computer. The process of piecing together parts was going good and a few demos were
20 surfacing. Then all of a sudden, without notice, the project was canned and it was back to Geoff
21 Tate calling the shots with outside writers again. The direction was supposed to be more like
22 *Empire*. What transpired was more unorganized confusion. No one was sure who was
23 producing the album. Again, it was Jason Slater and Kelly Gray trying to figure out who was
24 doing what. I was consumed by rewriting Jason Slater's tunes to make them heavier like he
25 instructed me to do. I recorded with Jason Slater at Scott Rockenfield's house and then Jason

1 Slater disappeared! The album went in a different direction taking the emphasis off of the
2 guitars! My songs were not used. To this date the *Dedicated To Chaos* album has sold a
3 whopping 20,000 copies. Even after heavy touring!

4 Around this time (2011) is when I noticed on our Profit and Loss documents that
5 expenses were being abused. I started sending copies to Eddie Jackson and Scott Rockenfield
6 of all business expenses and charge backs that were coming to be. Susan Tate and Geoff Tate
7 were already receiving these so they already had their copies. At the request of Eddie Jackson,
8 Scott Rockenfield and myself, we asked for more documents from our accountant and began
9 looking at the upcoming tour budget. We saw that Susan Tate had the income and expenses for
10 her new band, "The Voodoos", being run through our accounts without ever telling any of us.
11 Since they did not have work visas, they had to run all of their business income through our tax
12 ID and checking accounts! We were told only that they were touring for us as an opening act for
13 a small fee. I was furious about this! This is illegal, and she put our business at risk because
14 she didn't have the right legal paperwork for her band to perform in the States! She had no right
15 to run anything other than Queensryche related expenses as our manager through our
16 accounts. Geoff Tate was on board with her actions and did not relay this information to us.

17 For the fall tour, Scott Rockenfield demanded that we cut the opener and get rid of a bus
18 and get rid of some personnel. This does not sit well with Geoff and Susan Tate as Susan Tate
19 made it known to Scott Rockenfield that this made Geoff Tate uncomfortable and that he was
20 happier having his friends out on the road with him. It was made known by Scott Rockenfield
21 that we have not needed a backup singer or assistants when on other tours and that Geoff Tate
22 can do this tour without having them there. Susan Tate tried to convince Scott Rockenfield that
23 it was a wash when in actuality we ended up saving \$35,000 that run. So we voted (all via
24 emails back and forth) to save a substantial amount of money and it all worked out great, except
25 the fact that our lead singer was not happy because he did not get his way. During this time

1 there were more personal expenses being called into question that were being paid out of the
2 Queensryche accounts for Susan Tate and Geoff Tate. There were many email attacks from
3 Geoff Tate and Susan Tate because of our questions and they felt that those were actually
4 Queensryche expenses even though no one else agreed. At the Emerald Queen Casino show,
5 Geoff Tate did not even acknowledge us. He did not even take a bow to the audience!

6 Thus, in 2012 the animosity truly began. There was no communication from manager
7 Susan Tate with the rest of the band, no performances were getting booked, non- Geoff Tate
8 posts on website are taken off, and when some shows finally did get booked, one was on an
9 agreed black out day. We were left to fend for ourselves. We were contracted for only a few
10 shows and money was becoming less for the rest of the band. Geoff was touring with his solo
11 band and was the main focus for management. We decided it was time to really look into
12 moving the merchandise and fan club to a third party and putting this now in a place where we
13 all have control and a say equally. At this time, the merchandise and fan club office had
14 expenses that were way more than we thought they should be. After gathering information from
15 another Merchandising company as to what they proposed and costs estimated to make a
16 switch, we demanded a meeting with Geoff Tate to sort some things out and to discuss this new
17 option, but he had to have his wife and daughter and our accountant there with him. The
18 accountant showed basic income for last five years as a gesture to show how much money we
19 have made, but what we wanted to see as well should have included expenditures. We
20 suggested restructuring the merchandise and fan club. We felt we had a good deal that would
21 make everything run more efficiently, and although we were not privy to how things were
22 currently running we felt this was a good starting point for discussion. During this meeting it is
23 agreed that Susan Tate and our accountant would pull together a list of questions for us to ask
24 other merchandise companies and that we would all be together during a conference call to
25 these companies as a group. This way everyone would be there to ask the questions and to

1 hear the answers. If a decision was to be made, we would make it as a group. However, a few
2 days later, we received the list of questions from our accountant via email. And, then we found
3 out that Geoff Tate, Susan Tate and our accountant made the call to the merchandise company
4 we had spoken to and asked him these questions without us present, even though we had
5 agreed to do this as a group. We then got a distressing call from the merchandise guy who
6 proceeded to tell us how unprofessionally he was treated. After I sent an email saying I was
7 upset that we were not included in this call, we were then attacked personally by Geoff Tate as
8 he felt that since we made the initial calls without him he felt he could do the same. Even
9 though the initial calls were made for research and information gathering, and we had all agreed
10 that the next call would be as a group. He then threatened to bring legal action against us and
11 threatened to cancel all future shows. He even stated in an email "This is not business. This is
12 personal". Susan Tate then sent over email communications she had with our current
13 merchandise company, TinMan, and left this for us to look over as an option.

14 During this time, I realized I was missing certain profit and loss statements and I
15 requested copies of these from our accountant. Geoff Tate made a motion with our
16 accountant/attorney that he felt that I would give these to a third party and he did not agree to
17 me having these copies and thereby blocking their release to me. I sent a certified letter stating
18 that these were for my personal files only and I stated that they would not be given to a third
19 party. Geoff Tate still refused to let me have them. It is at this point I got legal help and I was
20 instructed to have director meetings to obtain paperwork. I was stunned that I was being
21 blocked from seeing accounting statements from companies I am part owner in.

22 Scott Rockenfield sent out a meeting request via email to all of us asking for a
23 board/shareholder meeting. Timing was of the essence as finances for the band were tight at
24 this point as Geoff Tate is out on his solo tour and there is not much time that we are all in the
25 same city. Scott listed the topics that would be discussed in the email. Out of the four of us,

1 three agreed to the date and time. Geoff Tate replied back to the email that he was not
2 available until the next day. Unfortunately, the next day did not work for everyone else and we
3 stayed with the original time and date requested. Many times in the past, others have had to
4 rearrange their schedule to make meetings that a majority has agreed upon. We felt this time
5 was no different and that Geoff Tate would be there. It was at this time, we all received an
6 email and a letter from an attorney who represents Mr. and Mrs. Geoff Tate that states “they”
7 are not available for that day and could we please reschedule the meeting to a time that works
8 for “them”. I was shocked first that I had been notified by an attorney regarding this and to also
9 see that our “band meeting” now has to include Susan Tate. Was this why Geoff Tate was not
10 at the meeting, because Susan Tate was still in Europe and would be home the next day when
11 he said he was available? We were also told in this letter that our email notification of the
12 meeting was invalid, which was another shock as all meeting requests in the past were done
13 either by email or phone text. Not only that, Geoff Tate had replied to the email so we knew he
14 had received ample notification time.

15 During this time, Scott Rockenfield got an email congratulating him on the deal that was
16 made to have *Operation: Mindcrime* made into a movie. He contacted me and Eddie Jackson to
17 see if we knew anything about this. We were just as shocked as he was! We had no knowledge
18 this was being done, nor had we had any time to look into the deal or even see where or how
19 we would fit into the project. We also noted that Chris DeGarmo was not notified, nor was he
20 aware of this agreement either, and as he was one of the principal songwriters and contributor
21 to the story outline, this was shocking. A check had been sent to our attorney to be held in
22 escrow and at this time, we sent notice that this was to be held and no cash distribution was to
23 be made until this was looked into and we were all in agreement. Again, this is another issue
24 how business decisions were being made by Geoff Tate and Susan Tate without our
25 knowledge. Moreover, when I inquired of our attorney if these funds were to be distributed to

1 the band I was informed they were Geoff Tate's alone! *Operation: Mindcrime* belonged to the
2 entire band, I was astounded.

3 The band meeting went on as planned, and in attendance were myself, Scott
4 Rockenfield and Eddie Jackson. Geoff Tate was not there. We discussed the option of
5 restructuring the merchandise and fan club, and decide to go with the company TinMan, who we
6 were currently using for the manufacturing of our merchandise products. This agreement with
7 TinMan includes having them run both the fan club and merchandise operations with this being
8 done directly with them, and with this move all of our current expenses for the fan club and
9 merchandise operations in-house would cease. At this point in the meeting we agreed we
10 needed to let go of our fan club and merchandise office staff which included Miranda Tate and
11 Susan Tate as they would no longer be needed. We also agreed that the house rental and day
12 to day operating expenses would need to stopped and prepared for the move to TinMan.

13 The next topic discussed at this meeting was management. For years there have been
14 arguments and division within the band over decisions that were made by our current
15 management and feelings that Susan Tate was not working on the behalf of the band as a
16 whole, and was, and had been making and agreeing to decisions that we felt were degrading to
17 our brand and who we are as a band. At this time, we voted and agreed to fire our manager,
18 Susan Tate, and agreed to interview and talk to other management teams that had expressed
19 interest in managing the band. We felt that our voting and agreements made during this
20 meeting were legal and that Geoff Tate chose of his own volition to not be in attendance
21 knowing full well what we were discussing. We were a majority in our voting count. The
22 meeting was recorded and transcripts of the meeting's minutes were then sent to Geoff Tate,
23 Susan Tate and Neil Sussman. We left the next day for our show in Brazil.

1 approached me and when I was not looking he punched me on the side of my face. The punch
2 also hit my right eye which had a contact lens in it. My contact jostled and I was trying to get it
3 back in place so I could see. I told him to get away from me but he kept pushing his chest into
4 me calling me "Pussy, f**king pussy! What, are you going to cry?" My eye was watering from
5 my contact, I couldn't see clearly, and I pushed him away. Then, Scott Rockenfield (our
6 drummer) came down and told him to get away from me. Geoff Tate then threw another punch
7 at me, but I ducked and it hit Scott Rockenfield right in the face (his mouth area). Scott
8 Rockenfield told him to back off and then Geoff Tate punched Scott Rockenfield again in the
9 face. At this point our tour manager, Fozzy O'Hare, pulled Geoff Tate away and one of our
10 guitar technicians, Kenny Bender, helped me by getting a cold water bottle on my face to stop
11 any swelling or redness. Geoff Tate came back over and called me a "Pussy" and a "Cry baby"
12 again. I told everyone I needed a minute until I was able to get my vision back and I was moved
13 to the other side of the stage until the crew felt they could get the situation under control. I then
14 told my guitar technician, Gino Bishop, to get a towel to wipe off all the spit on my guitar that
15 kept coming from Geoff Tate. From this side of the stage, I could see confusion between the
16 security and our crew. Everyone was shocked and completely caught off guard with Geoff
17 Tate's irrational and violent behavior. Geoff Tate was continuing to move about the stage, trying
18 to get around the security and crew who were trying to block him from any further attacks and
19 trying to get him under control. He continued to rant back and forth, spitting at the band
20 members and their equipment.

21 Fozzy O'Hare was finally able to pull Geoff Tate off stage and took him to where his
22 station is during the performance. At this point, we were not sure if we were going to continue
23 the show or if we would have to cancel due to Geoff Tate's antics and violence. There was
24 communication between Gino Bishop and Fozzy O'Hare as to what to do. Fozzy O'Hare then
25 indicated that Geoff Tate had calmed down and he was ready to do the show. Gino Bishop had

1 a security guard stationed right behind Geoff Tate and one right behind Scott Rockenfield just in
2 case Geoff Tate tried to attack the band members and their equipment again.

3 Geoff Tate delayed the show by about 20+ minutes and tried to provide a situation for
4 show cancellation. The rest of the band remained professional and committed to the show,
5 even as Geoff Tate spit on Scott Rockenfield throughout the show and threw water at my
6 equipment between songs and tried to mess with not only our equipment but also tried to
7 compromise our performance.

8 When I was done performing and the show was over, Gino Bishop grabbed my guitar
9 and Fozzy O'Hare grabbed me and told me to go straight to the van as they were worried that
10 Geoff Tate would try to attack us again. We got in the van with the promoter and a security
11 guard and left for the hotel. The promoter was shocked and disgusted with what had happened
12 and promised that we would have security with us until we left the next day. She also said that
13 travel arrangements would be made to get Geoff Tate on a different flight, and that we would not
14 be placed in that type of situation again. The promoter also thanked us for remaining
15 professional and for continuing to do the show even while we were under such duress.

16 The next day all of the crew, except Kelly Gray, came up to us and said how sorry they
17 were. They vowed to never work with Geoff Tate again. The promoter's assistant was disgusted
18 and shocked as well. The other band that performed with us at this show, "Fate's Warning",
19 were all upset the next day and expressed their shock and disgust during the luncheon the
20 promoter had planned for us. Our tour manager had to put Geoff Tate on a different flight from
21 the band as he was still making threats towards us after the show and this was done for our
22 safety. The Queensryche corporations had to pay \$2,500 for this last minute ticket (which was
23 charged back to Geoff Tate for reimbursement). At the airport before his departure, Geoff Tate
24 still showed no remorse and had no apology for his actions. He threatened that we were to
25 "keep the f**k away from him" and that next time he would go after Eddie Jackson.

1 **M3 FESTIVAL**

2 Our next performance was May 12, 2012. Even given the Sao Palo incident, Eddie
3 Jackson, Scott Rockenfield and I decided we would honor what we knew to be the last two
4 performances with signed contracts and see if working with Geoff Tate long term really was a
5 possibility. Instead Geoff Tate sent still more threats through our tour manager. He said that we
6 better stay out of his taped off area at the front of the stage or he would attack again. We didn't
7 move on stage knowing that this was being filmed live and we didn't want to risk anything
8 happening in front of a live camera for everyone to see. We played the show all the while
9 knowing that at any time he could go off violently if provoked by us moving in his direction. For
10 this show our flights were booked separately from Geoff Tate, our hotels were separate, we
11 were not together for sound check and we were not to be in the same vicinity as he was still
12 angry and making threats. During this performance, fans saw his childish antics on stage. He
13 grabbed the camera man from behind and started grinding on him causing filming problems.
14 This was something he had never done before and this compromised the show which was
15 televised. And, again, this hurt the brand of the band. The crew was genuinely disgusted in his
16 performance. Fans start commenting on his behavior and by now the media had picked up on
17 his attack in Brazil. Queensryche was now being talked about in many media markets for these
18 embarrassing antics instead of our music and tours.

19 **ROCKLAHOMA**

20 The final performance was Memorial Day weekend in Oklahoma at a large music festival
21 geared towards heavy metal and hard rock. We were the closing act. Again, there was no
22 apology or sign of remorse from Geoff Tate. And again, we didn't move too much on the stage
23 as there was still the risk that Geoff Tate would react violently, and as this, too, was being filmed
24 live we didn't want to take the chance. Our concern that his antics were becoming more and
25 more questionable and erratic were confirmed when Geoff Tate had the nerve to tell the

1 audience “They suck!” and “You really suck!” on live television. Immediately, there were boos
2 coming from the audience and a huge portion left to go to the next stage to wait for the band
3 “Hell Yeah!”. Fans flocked in disgust on the internet chat sites. And, Geoff Tate’s comments
4 were picked up by many media markets again. Here is another example of how the brand and
5 name of Queensryche was being tarnished.

6 THE SPLIT WITH GEOFF TATE

7 After the Rocklahoma show, Eddie Jackson, Scott Rockenfield and I decide that it is no
8 longer conceivable that we could go on and continue working and touring with Geoff Tate, and
9 since he was already communicating with us through counsel, we instructed our attorney to
10 inform Geoff Tate of the decision to move on without him and to start discussions on how to do
11 this. This was unsuccessful so we scheduled a directors meeting and informed Geoff Tate of
12 this through the attorneys.

13 At the same time, we announced a couple of shows we were performing in Seattle under
14 the name Rising West. We were going to perform the songs from our earlier catalog that we
15 had not been allowed to play over the last 15 years. Our fans were asking for this and we felt it
16 would be a fun thing to do. This was to be our first time playing with the new singer, Todd La
17 Torre, and this was a chance for us to get our feet wet as a band and to see if this would be a
18 viable way to make touring income as we didn’t have much in the way of income coming in.
19 What happened after this was an explosion of excitement from not only the fans but the media
20 as well. We were happy this was being so well received, but we didn’t expect the high level of
21 excitement that came with this. We were doing this for us and the fans and for the first time in
22 years we felt a rejuvenation of happiness playing together as a band. The shows were sold out
23 in a week and a half and it was great playing these songs again and having the fans so happy!
24 The next day we received offers from management companies and promoters asking us to bring
25

1 the show to their cities. After these shows, we were now being called the “new Queensryche”
2 by the fans and media.

3 Due to the excitement of the initial announcement of Rising West, fans start putting
4 posts on the Queensryche Facebook page asking for details on the shows or just voicing their
5 excitement. We were not able to post anything on the Queensryche Facebook page as we still
6 had not received administration passwords from Miranda Tate. Miranda Tate was now working
7 for Susan Tate only, and as they were both fired from Queensryche, it was strange that would
8 have to contact them to post on our page. In short, the Tate’s hijacked Queensryche’s official
9 internet media outlets for their own use, and with no authority to do so.

10 So, Scott Rockenfield and Misty Rockenfield posted on the Queensryche Facebook
11 page the details and their excitement for the upcoming shows. Almost immediately, their posts
12 were removed. After that, there became a rampant deletion of any negative comment made
13 towards Geoff Tate or any excitement over the news of the Rising West shows and future of
14 Rising West. Fans started going crazy over being deleted for voicing their opinions on a fan
15 forum. At this time, I made a post on my own personal Facebook page that we were being
16 denied access to the Queensryche Facebook page and website, and asking our fans to start
17 passing along the information regarding the Rising West shows via their own social networking
18 pages. This exploded in the media and the fans went wild. The Queensryche Facebook page
19 was now being monitored 24/7 and the deletions of posts/comments were being made
20 constantly. It was also at this time that the Facebook site blocked anyone from posting a
21 comment directly to the page and you could only comment via a thread for a status update that
22 was posted by Queensryche. These comment threads were long and were also being
23 monitored and comments were deleted. While all of this was being done to discourage any
24 excitement over Rising West, two new posts were made from “Queensryche” regarding Geoff
25 Tate solo shows. This angered the fans even more. No news about the other band members

1 but news about Geoff Tate was allowed. It was becoming apparent to the fans how uneven
2 things were within the band and who actually controlled the Facebook page.

3 The same is true of the merchandise not being available online. To run the merchandise
4 we needed access to Queensryche.com. When the trouble began, our webmaster, Kevin
5 Scurlock wanted out of the middle, so he produced a document with all of the access codes and
6 gave it to the corporate attorney. We requested it, and once again, Geoff refused, so our
7 attorney refused to give us the document as well, citing "conflict". Not until our litigation attorney
8 requested the document was it provided. Within minutes of receipt of the access codes we
9 attempted to log in and found they had all been changed. We contacted the hosting service and
10 found out that Susan Tate was the contact. We put in a request for a change of contact so we
11 could obtain the passwords and restart selling merchandise, but Susan Tate would've had to
12 give permission for that to happen. To date, we have not been given access and can only
13 presume that it is being blocked by the Tate's. This is yet another example of how the Tate's
14 are willing to damage the companies and the Queensryche brand for their own gain.

15 **OFFICIALLY MOVING ON FROM GEOFF TATE**

16 As previously discussed, another board meeting was called for June 6, 2012, to discuss
17 where things were within the band. It was to be done via a conference call. At the onset of the
18 call, Geoff Tate's attorney announced that he was on the call. He asked if our attorney was
19 also, and when we said "no", he then had to remove himself from the call. At that time, Geoff
20 Tate also removed himself from the call. Eddie Jackson, Scott Rockenfield and I felt that we
21 could do this without our attorneys having to be involved and that maybe could get some sort of
22 discussion going. It was at this point we knew that this was not going to happen unless we
23 acted on our own. Geoff Tate made this known to us by not wanting to talk without his attorney
24 talking for him. We needed to move forward. He still had not apologized for his actions in Brazil
25 and the other two shows, and he didn't even want to discuss business matters with us. Now we

1 realized that this was his pattern. If it isn't his way, he won't commit. As a business we had to
2 make a choice if we were to continue. It was not an easy choice to make but by Geoff Tate's
3 actions alone, he proved many times he was not working as part of a group, but as an
4 individual. He was actively damaging the brand by taking us from our roots, ignoring the music
5 that built our fan base, and ultimately attacking us physically and our fans verbally. We realized
6 we would need to remove him from the band and end our 30 year relationship with him as a
7 member of Queensryche, but this was not a decision we made lightly. We voted to remove him
8 as lead singer and explore options of settlement of his 25% shares in the Queensryche entities,
9 be it through a buyout, long term royalties or the like. We also formed an executive committee
10 to carry out management decisions during this crucial and delicate time. The idea of setting a
11 meeting on three days notice, just to have Geoff Tate not participate or simply be voted down in
12 decisions for the launching of a band he is no longer part of makes no sense and would bog
13 down and hurt the corporations. This way Eddie Jackson, Scott Rockenfield and I could
14 effectively manage this transition. Regardless of the personal elements of parting ways after so
15 many years, this decision was for the health and survival of Queensryche. And as shown
16 below, it was the right one.

SALT LAKE CITY

18 Prior to the shows of Rising West, we had already given notice that we were not
19 comfortable, nor did we feel safe on stage with Geoff Tate any longer. His antics were proving
20 to be erratic and unstable. We sent communication through the Rising West management team
21 to the promoter and booking agent that we did not feel safe performing with Geoff Tate at the
22 Salt Lake City show, but that we would love to perform as Rising West which we felt would be a
23 better fit for the Scorpions crowd as we were performing songs that fit with their catalog of
24 music. We were then told that the promoter said it was either all four original members of
25 Queensryche or nothing. It was not until the day before the Salt Lake City show that we heard

1 that Susan Tate had worked a deal with the promoter to have Geoff Tate perform his solo
2 acoustic set.

3 **THE NEW QUEENSRYCHE**

4 In mid-June, Scott Rockenfield, Eddie Jackson and I flew to Los Angeles and met with
5 Frontline/AGPS Management. They are the largest and most powerful music management
6 company in the industry. We agreed to have them manage us and help us assemble new
7 booking agents, publicists and the like. We have put together a top notch team and announced
8 the new line up through the industry leading Billboard.com to enormous reception. Within a
9 week, we booked three shows totally over \$72,000 in revenue for the new Queensryche, with
10 many more shows on the horizon. And, this is only the beginning with major bookings
11 throughout the fall, the recording of a new album and a major push in 2013, all of which are in
12 the works.

13 **CONCLUSION**

14 Of the last three albums, each one has sold almost half as much as the one before.
15 There is a dissention in the band with Geoff Tate at the helm. At the beginning of the writing
16 process of each album, and also during the production of each album, we were told things were
17 going one way only to find that they went another way when the albums were finished per the
18 direction of Geoff Tate. When everything was ready to be sent to the record company, we were
19 all told we had to sign off and agree to these albums otherwise we would not receive the upfront
20 money that was promised from the record company. If we stated we were not happy, we were
21 then told that no money would be released for band/family support and that there was no more
22 time or additional money to rerecord. Our hands were bound. We had to sign off and agree to
23 the album or not only would we lose the money we needed to support our families, but we would
24 also be taking away money from our friends/band mates who needed the money for the support
25 of their families. Even if I chose to go broke and not sign off, I would not be the one forcing my

1 band mates to go there with me. There is even a clause in the last recording contract for
2 *Dedicated to Chaos*, if one member quits within 6 months, the whole contract would be voided.
3 Thus, to any extent Geoff Tate is the band as he claims, it is only the band of the last few years;
4 the band of seriously declining sales, of loss of fans, of a sound and style that has little to no
5 connection to the popular works which built us. Eddie Jackson, Scott Rockenfield, and I, as
6 75% owners, three of four current members, and three of the four original founders, have been
7 treated as little more than studio musicians. After trying to make a go of it and hold on to our
8 band anyways, the assault was the final straw. And, even then, we gave it two more
9 performances to see if that was not the case, but it unfortunately it was. So, we had no choice
10 but to finally move on; not only for us, but for the band, and most of all for the fans.

11 Geoff Tate has a successful solo career. He has been touring over the last few years as
12 a solo act and plans to be a solo act for the rest of this year. It has just been announced that he
13 has signed a major, worldwide multi-album deal, so that being known, he will have a successful
14 career as a solo artist. He can continue to do that, making the kind of records he wants to make,
15 working with the musicians he wants to work, and performing only the material he wants to
16 perform. But, that is not Queensryche. It never has been and it never will. Geoff Tate has
17 never written an entire song. He only writes lyrics. Queensryche is a sound; a sound that
18 comes from the music and that music comes from us, not Geoff Tate alone. And, Geoff Tate
19 has refused to be a part of that for some time.

20 Instead, he wants Queensryche to be something else, something that's not guitar driven
21 and sold millions of albums, but something that fits his tastes alone. And, now that the rest of
22 us will no longer go along with that alternative vision anymore, which is so unpopular with the
23 fans and has had such dismal record sales, he wants the name all for himself, or for no one. As
24 seen in the latest interview of Rolling Stone magazine and Billboard.com, he is doing everything
25 in his power to tarnish any Queensryche credibility and to stop any momentum the new lineup

1 has had. Through his lack of remorse towards his physical assault on us (that was not provoked
2 as he alludes to in his interview) he is a detriment to the band. His blatant use of the media for
3 his own agenda with no regard for the integrity of the band as an entity alone is grounds for the
4 remaining band members to own the name. We have always shown respect for the brand and
5 name Queensryche. We want to rebuild the name to the respect of our fans and peers. We do
6 not wish to play this out in the media and would like to keep this respectful for all involved. To
7 see Geoff Tate and his family using the internet and media to play this way is embarrassing to
8 not only us, but to the name Queensryche, that at one time garnered respect in the music
9 industry.

10 The enthusiasm for the new Queensryche, doing the songs that made us popular, that
11 have not been performed in years due to Geoff Tate's refusal, is tremendous. The critical
12 response to new lead singer Todd LeTorre and his chemistry with the band at the Rising West
13 shows in early June has been wildly positive as well. Thus, not only has moving on been great
14 for the Queensryche entities, but any injunction would strangle all this potential, as well as the
15 already contracted performances. Thus, it would be damaging to the corporations and
16 damaging to the members, the employees, and their families. And the damage to Geoff Tate
17 would be minimal as he continues to book solo dates, tour, and record new albums.
18 Queensryche and Geoff Tate can co-exist; it's simply Geoff Tate that cannot accept that. But,
19 that is not what is best for the band, our companies, or our fans.

20 Signed this 7th day of July 2012, at King County, State of Washington.

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23
24
25



Michael Wilton