

September 4, 2008

1666 Commonwealth Avenue
Unit 41
Brighton, MA 02135

Honorable Judge Gertner
United States District Court
Office of the Clerk
United States Courthouse
1 Courthouse Way, Suite 2300
Boston, MA 02210

Re: Capitol Records, Inc., et al. v. Noor Alaujan
U.S. District Court Lead Docket No. 03-CV-11661-NG

Sony BMG Music Entertainment, et al. v. Joel Tenenbaum
U.S. District Court Original Docket No. 03-CV-11446-NG

Dear Judge Gertner:

Over the last several weeks, plaintiffs' attorneys have been attempting to schedule my deposition. During this time period both my parents and I have been subject to inappropriate and uncivil treatment by the Plaintiff's counsel. I acknowledge the nature of our court's adversarial system and have no problem continuing this case as law dictates, but there comes a point, a limit, beyond which actions become flagrant abuse of our country's court system. I would, respectfully ask the court to examine the following as evidence of this.

The deposition in question was scheduled for August 28, 2008. I woke up sick that morning, and went to the Boston University Health Clinic. I was told that I had a fever and was to stay home because I was contagious. On that morning, I left a message for Plaintiffs' counsel stating that I was sick, and was, therefore, unable to attend the deposition as scheduled. I sent a copy of my doctor's note to the Court as well as to Plaintiffs' counsel.

I received some sort of notice that my parents were to be deposed on September 5, 2008. They, however, have never received any notice about the depositions except in a letter addressed to me at my home address in Brighton. They do not live in Brighton with me. This notice was received by me only last week. When I discussed this matter with my parents, they reminded me that my father needs at least a month to get off from work, which is hardly unusual or unreasonable. My mother reminded me that she had scheduled a vacation for September 5, 6, and 7 over a month ago. My parents brought this to my attention just before I was to leave to drive my sister's car to her in Pittsburgh over Labor

Day weekend. My sister was in a near-fatal car accident in August, and is not allowed to drive for several weeks. Because it was a holiday weekend, I had the time off from work, and was able to deliver the car to her. As soon as I returned from my vacation, I wrote a letter to the Court stating that parents would not be able to attend the scheduled depositions on Friday, September 5th. In the interests of keeping Plaintiffs' costs down, I mentioned in that same letter, that I had scheduled myself to work on September 4th, and would reschedule my deposition to coincide with the same date, or a consecutive day with my parents. In my mind, it didn't make economic sense for Plaintiffs' attorney to come in for my deposition on one date, only to have to return on another date to depose my parents.

Incidentally, my mother told me that someone came to her house last Friday night when she was out walking, and left a business card something about delivering papers to her. My mother is an observant Jew, and was outraged that anyone was ringing her doorbell at 7:30 on a Friday night, part of her Sabbath.

Particularly inappropriate has been the Plaintiffs' attorney, Laurie Rust. All of the above has been twisted by her as evidence of somehow being uncooperative. Every that she has contacted me, she has accused me of not cooperating, stalling, and assuming bad faith in a disturbingly hostile and vicious tone. May I remind the Court as well as Plaintiffs' attorney, that I attempted to settle this matter four years ago, and sent a money order to Plaintiffs at that time. Every phone call from Ms. Rust now upsets me to the point where physically ill. When I relay the information to my mother, she too becomes physically ill.

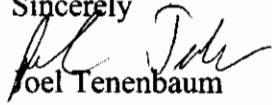
For the last thirteen months, each and every time that she has contacted me, she has been rude, uncivil, and as harassing as possible, and I am disgusted that Ms. Rust tries to pass off such tactics as part of the procedure of our country's court system. My relationship with my mother has become strained because she is now hesitant to pick up the phone, fearing it would be another relay of a phone call from Ms. Rust. This strain exceeds any monetary value that could be placed on it. I believe this is unfair, unnecessary, and morally reprehensible.

I will, respectfully, tell the Court by this letter, with a copy to Plaintiffs' counsel, that I will no longer accept any telephone calls from her. This is not for purposes of stalling, avoidance, or some kind of non-cooperation. This is simply for purposes of preserving both my mother's and my mental health. I am more than willing to cooperate if we are not harassed, and if Plaintiffs' attorney communicates with me in writing.

In fact, earlier today, I spoke by telephone to Claire Newton, local counsel. I explained to her the situation with our depositions being impossible to do this week. She said to me in a most cordial way, that this was no problem, that I was to submit to her five available dates that would work out with my parents' work schedule next month. On the same date and time that this letter was mailed, I sent a letter to Attorney Newton with the requested dates. Following my conversation with Ms. Newton, Ms. Rust called me and vociferously accused me of being uncooperative.

It is and always has been my intention to cooperate fully with this process. I do believe that I and my parents are entitled to reasonable notice of Plaintiffs' intention, that we are entitled to be treated with a level of dignity as human beings. For the Plaintiff's counsel to do otherwise is egregious bad faith.

Sincerely


Joel Tenenbaum