

EXHIBIT A

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

SONY BMG MUSIC ENTERTAINMENT, a
Delaware general partnership; WARNER
BROS. RECORDS INC., a Delaware
corporation; ATLANTIC RECORDING
CORPORATION, a Delaware corporation;
ARISTA RECORDS LLC, a Delaware limited
liability company; and UMG RECORDINGS,
INC., a Delaware corporation,

Plaintiffs,

v.

JOEL TENENBAUM

Defendant.

CIVIL ACTION No.

MISC 08 104

COMPLAINT FOR COPYRIGHT INFRINGEMENT

Plaintiffs assert the following claims against Defendant.

JURISDICTION AND VENUE

1. This is a civil action seeking damages and injunctive relief for copyright infringement under the copyright laws of the United States (17 U.S.C. §101, *et seq.*).
2. This Court has jurisdiction under 17 U.S.C. § 101, *et seq.*; 28 U.S.C. §1331 (federal question); and 28 U.S.C. §1338(a) (copyright).
3. This Court has personal jurisdiction over the Defendant, and venue in this District is proper under 28 U.S.C. § 1391(b) and 28 U.S.C. § 1400(a), in that the Defendant resides in this District, and the acts of infringement complained of herein occurred in this District.

PARTIES

4. Plaintiff SONY BMG MUSIC ENTERTAINMENT is a Delaware general partnership, with its principal place of business in the State of New York.

5. Plaintiff Warner Bros. Records Inc. is a corporation duly organized and existing under the laws of the State of Delaware, with its principal place of business in the State of California.

6. Plaintiff Atlantic Recording Corporation is a corporation duly organized and existing under the laws of the State of Delaware, with its principal place of business in the State of New York.

7. Plaintiff Arista Records LLC is a limited liability company duly organized and existing under the laws of the State of Delaware, with its principal place of business in the State of New York.

8. Plaintiff UMG Recordings, Inc. is a corporation duly organized and existing under the laws of the State of Delaware, with its principal place of business in the State of California.

9. Plaintiffs are informed and believe that Defendant is an individual residing in this District.

COUNT I

INFRINGEMENT OF COPYRIGHTS

10. Plaintiffs incorporate herein by this reference each and every allegation contained in each paragraph above.

11. Plaintiffs are, and at all relevant times have been, the copyright owners or licensees of exclusive rights under United States copyright with respect to certain copyrighted sound recordings (the "Copyrighted Recordings"). The Copyrighted Recordings include but are not limited to each of the copyrighted sound recordings identified in Exhibit A attached hereto, each of which is the subject of a valid Certificate of Copyright Registration issued by the

Register of Copyrights. In addition to the sound recordings listed on Exhibit A, Copyrighted Recordings also include certain of the sound recordings listed on Exhibit B which are owned by or exclusively licensed to one or more of the Plaintiffs or Plaintiffs' affiliate record labels, and which are subject to valid Certificates of Copyright Registration issued by the Register of Copyrights.

12. Among the exclusive rights granted to each Plaintiff under the Copyright Act are the exclusive rights to reproduce the Copyrighted Recordings and to distribute the Copyrighted Recordings to the public.

13. Plaintiffs are informed and believe that Defendant, without the permission or consent of Plaintiffs, has used, and continues to use, an online media distribution system to download the Copyrighted Recordings, to distribute the Copyrighted Recordings to the public, and/or to make the Copyrighted Recordings available for distribution to others. In doing so, Defendant has violated Plaintiffs' exclusive rights of reproduction and distribution. Defendant's actions constitute infringement of Plaintiffs' copyrights and exclusive rights under copyright.

14. Plaintiffs have placed proper notices of copyright pursuant to 17 U.S.C. § 401 on each respective album cover of each of the sound recordings identified in Exhibit A. These notices of copyright appeared on published copies of each of the sound recordings identified in Exhibit A. These published copies were widely available, and each of the published copies of the sound recordings identified in Exhibit A were accessible by Defendant.

15. Plaintiffs are informed and believe that the foregoing acts of infringement have been willful and intentional, in disregard of and with indifference to the rights of Plaintiffs.

16. As a result of Defendant's infringement of Plaintiffs' copyrights and exclusive rights under copyright, Plaintiffs are entitled to statutory damages pursuant to 17 U.S.C. § 504(c)

for Defendant's infringement of each of the Copyrighted Recordings. Plaintiffs further are entitled to their attorneys' fees and costs pursuant to 17 U.S.C. § 505.

17. The conduct of Defendant is causing and, unless enjoined and restrained by this Court, will continue to cause Plaintiffs great and irreparable injury that cannot fully be compensated or measured in money. Plaintiffs have no adequate remedy at law. Pursuant to 17 U.S.C. §§ 502 and 503, Plaintiffs are entitled to injunctive relief prohibiting Defendant from further infringing Plaintiffs' copyrights, and ordering Defendant to destroy all copies of sound recordings made in violation of Plaintiffs' exclusive rights.

WHEREFORE, Plaintiffs pray for judgment against Defendant as follows:

1. For an injunction providing:

"Defendant shall be and hereby is enjoined from directly or indirectly infringing Plaintiffs' rights under federal or state law in the Copyrighted Recordings and any sound recording, whether now in existence or later created, that is owned or controlled by Plaintiffs (or any parent, subsidiary, or affiliate record label of Plaintiffs) ("Plaintiffs' Recordings"), including without limitation by using the Internet or any online media distribution system to reproduce (*i.e.*, download) any of Plaintiffs' Recordings, to distribute (*i.e.*, upload) any of Plaintiffs' Recordings, or to make any of Plaintiffs' Recordings available for distribution to the public, except pursuant to a lawful license or with the express authority of Plaintiffs. Defendant also shall destroy all copies of Plaintiffs' Recordings that Defendant has downloaded onto any computer hard drive or server without Plaintiffs' authorization and shall destroy all copies of those downloaded recordings transferred onto any physical medium or device in Defendant's possession, custody, or control."

2. For statutory damages for each infringement of each Copyrighted Recording pursuant to 17 U.S.C. Section 504.
3. For Plaintiffs' costs in this action.
4. For Plaintiffs' reasonable attorneys' fees incurred herein.

5. For such other and further relief, either at law or in equity, general or special, to which they may be entitled.

SONY BMG MUSIC ENTERTAINMENT;
WARNER BROS. RECORDS INC.;
ATLANTIC RECORDING CORPORATION;
ARISTA RECORDS LLC; and UMG
RECORDINGS, INC.

By their attorneys,

Dated: August 7, 2007

By: 

John R. Bauer, BBO# 630742
Nancy M. Gremms, BBO # 658932
ROBINSON & COLE LLP
One Boston Place
Boston, MA 02108-4404
Main Phone: (617) 557-5900
Main Fax: (617) 557-5999

EXHIBIT B

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF MASSACHUSETTS
3

4 NO. 1:07-CV-11446

5 VOLUME 1 PAGES 1-272

6 - - - - - *

7 SONY BMG MUSIC ENTERTAINMENT, ET AL
8 Plaintiffs

9 VS.

10 JOEL TENENBAUM,
11 Defendant

12 - - - - - *

13
14
15 DEPOSITION OF JOEL TENENBAUM, taken on
16 behalf of the Plaintiff, taken pursuant to Notice
17 under the Massachusetts Rules of Civil Procedure,
18 before Kim M. Romaine, Notary Public and
19 Shorthand Reporter in and for the Commonwealth of
20 Massachusetts at the Office of Robinson & Cole,
21 One Boston Place, Boston, Massachusetts, on
22 Wednesday, September 24, 2008 commencing at 9:15
23 a.m.
24

1 Q. Where was that computer located?

2 A. That was also in my room.

3 Q. When did you get that computer?

4 A. When the old one fried.

5 Q. That was also a desktop?

6 A. Yes.

7 Q. Where is that computer currently?

8 A. In my former bedroom at my parents' house I
9 believe.

10 Q. So you still have it?

11 A. Yes.

12 Q. Did that ever have Kazaa on it?

13 A. I don't know.

14 Q. It may have?

15 A. May have.

16 Q. Did you ever use Sublimeguy14 on the E
17 machine?

18 A. Don't know.

19 Q. It's possible?

20 A. It's possible.

21 Q. Did you ever use any other peer to peer
22 program on the E machine?

23 A. I don't think so.

24 Q. Did it have speakers?

1 A. Sorry. You asked a question.

2 Q. Yes. My question is do you believe that there
3 were any other peer to peer programs on the E
4 machine at any time?

5 A. No.

6 Q. Just possibly Kazaa?

7 A. Yes.

8 Q. Okay. Was the E machine always located in
9 your room?

10 A. Yes.

11 Q. Was it connected to the Internet?

12 A. Yes.

13 Q. When is the last time you used the E machine?

14 A. Probably the last time I was home. By home I
15 mean my parents' home.

16 Q. Sure. What other computers have you either
17 owned or had in your room?

18 A. I don't know.

19 Q. You don't know?

20 A. I don't know.

21 Q. Do you believe this is a complete list that
22 you've given me?

23 A. I don't know if that is a complete list of all
24 the computers that I've owned or had in my room.

EXHIBIT C

AO88 (Rev. 1/94) Subpoena in a Civil Case

**Issued by the
UNITED STATES DISTRICT COURT**

DISTRICT OF RHODE ISLAND

CAPITOL RECORDS, INC., *et al.*,
Plaintiffs,
v.

NOOR ALAUJAN,
Defendant.

SUBPOENA IN A CIVIL CASE

Civ. Act. No. 03-CV-11661-NG
(LEAD DOCKET NUMBER)

SONY BMG MUSIC ENTERTAINMENT, *et al.*
Plaintiffs,
v.

JOEL TENENBAUM
Defendant.

Civ. Act. No. 1:07-cv-11446-NG
(ORIGINAL DOCKET NUMBER)
**CASE PENDING IN THE DISTRICT OF
MASSACHUSETTS**

**TO: Judith Tenenbaum
20 Upton Avenue
Providence, RI 02906**

YOU ARE COMMANDED to appear in the United States District court at the place, date, and time specified below to testify in the above case before a notary public and certified shorthand reporter qualified to administer oaths and take testimony in the State of Rhode Island.

PLACE OF TESTIMONY

COURTROOM

DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case before a notary public and certified shorthand reporter qualified to administer oaths and take testimony in the State of Rhode Island.

PLACE OF DEPOSITION

DATE AND TIME

Esquire Deposition
10 Weybossett Street, Suite 402
Providence, RI 02903

October 13, 2008 at 9:00 a.m.

YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects): **See Exhibit A**

PLACE

Esquire Deposition
10 Weybossett Street, Suite 402
Providence, RI 02903

DATE AND TIME

October 13, 2008

YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES

DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)

DATE

10/3/08



Counsel for Plaintiffs

[insert signature date]

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

Eve G. Burton
Holme Roberts & Owen LLP
1700 Lincoln Street, Suite 4100
Denver, Colorado 80203-4541

EXHIBIT A

1. The eMachine and Gateway Computers located in your residence and used by Joel Tenenbaum, as referenced by Joel Tenenbaum in his deposition in Civ. Act. No. 1:07-cv-11661-NG (consolidated). At that time, a certified computer forensics technician will make two verified bit-image (i.e., mirror image copy) of each of the computer hard drives or other digital storage devices and will create an MD5 or equivalent hash code to ensure that the original hard drives are not altered and to ensure that the copy of the hard drives are exact duplicates of the original hard drives.
2. Any and all documents, communications and/or correspondence regarding copyright infringement over the Internet and/or this pending litigation (*Sony BMG Music Entertainment, et al. v. Joel Tenenbaum*, Civ. Act. No. 1:07-cv-11661-NG (consolidated)) in your possession, custody or control.
3. Any and all documents or correspondence regarding or relating to your Internet account with Cox Communications, including but not limited to all terms of use, agreements, and correspondence regarding this matter and/or allegations of copyright infringement.

IN THE
UNITED STATES DISTRICT COURT, DISTRICT OF RHODE ISLAND

CAPITOL RECORDS, INC., ET AL.,
PLAINTIFF
NOOR ALAUJAN,
DEFENDANT

Plaintiff/Petitioner

Hearing Date: 10/13/2008

CAUSE NO: 03-CV-11661-NG

DECLARATION OF SERVICE OF:
SUBPOENA

vs.
SONY BMG MUSIC ENTERTAINMENT, ET AL.,
PLAINTIFFS
JOEL TENENBAUM
DEFENDANT

Defendant/Respondent

The undersigned hereby declares: That s(he) is now and at all times herein mentioned was a citizen of the United States, over the age of eighteen, not an officer of a plaintiff corporation, not a party to nor interested in the above entitled action, and is competent to be a witness therein.

On the 12th day of October, 2008, at 8:11 AM, at the address of 20 UPTON Avenue, PROVIDENCE, Providence County, RI 02906; this declarant served the above described documents upon JUDITH TENENBAUM, by then and there personally delivering 1 true and correct copy(ies) thereof, by then presenting to and leaving the same with JUDITH TENENBAUM, NAMED DEFENDANT, A white female approx. 45-55 years of age 5'6"-5'8" in height weighing 160-180 lbs with gray hair.

No information was provided or discovered that indicates that the subjects served are members of the U.S. military.

Declarant hereby states under penalty of perjury under the laws of the State of Rhode Island that the statement above is true and correct.

DATED this 14th day of October, 2008.


Gordon Moniz



FOR: HOLME ROBERTS & OWEN, LLP ORIGINAL PROOF OF SERVICE

Tracking #: 5705975 SEA



AO88 (Rev. 1/94) Subpoena in a Civil Case

**Issued by the
UNITED STATES DISTRICT COURT**

DISTRICT OF RHODE ISLAND

CAPITOL RECORDS, INC., *et al.*,
Plaintiffs,
v.

NOOR ALAUJAN,
Defendant.

SONY BMG MUSIC ENTERTAINMENT, *et al.*
Plaintiffs,
v.

JOEL TENENBAUM
Defendant.

SUBPOENA IN A CIVIL CASE

Civ. Act. No. 03-CV-11661-NG
(LEAD DOCKET NUMBER)

Civ. Act. No. 1:07-cv-11446-NG
(ORIGINAL DOCKET NUMBER)
**CASE PENDING IN THE DISTRICT OF
MASSACHUSETTS**

TO: **Arthur Tenenbaum**
20 Upton Avenue
Providence, RI 02906

YOU ARE COMMANDED to appear in the United States District court at the place, date, and time specified below to testify in the above case before a notary public and certified shorthand reporter qualified to administer oaths and take testimony in the State of Rhode Island.

PLACE OF TESTIMONY

COURTROOM

DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case before a notary public and certified shorthand reporter qualified to administer oaths and take testimony in the State of Rhode Island.

PLACE OF DEPOSITION

DATE AND TIME

Esquire Deposition
10 Weybossett Street, Suite 402
Providence, RI 02903

October 13, 2008 at 11:00 a.m.

YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects): **See Exhibit A**

PLACE

Esquire Deposition
10 Weybossett Street, Suite 402
Providence, RI 02903

DATE AND TIME

October 13, 2008

YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

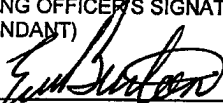
PREMISES

DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)

DATE



Counsel for Plaintiffs

10/13/08

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

Eve G. Burton
Holme Roberts & Owen LLP
1700 Lincoln Street, Suite 4100
Denver, Colorado 80203-4541

EXHIBIT A

1. The eMachine and Gateway Computers located in your residence and used by Joel Tenenbaum, as referenced by Joel Tenenbaum in his deposition in Civ. Act. No. 1:07-cv-11661-NG (consolidated). At that time, a certified computer forensics technician will make two verified bit-image (i.e., mirror image copy) of each of the computer hard drives or other digital storage devices and will create an MD5 or equivalent hash code to ensure that the original hard drives are not altered and to ensure that the copy of the hard drives are exact duplicates of the original hard drives.
2. Any and all documents, communications and/or correspondence regarding copyright infringement over the Internet and/or this pending litigation (*Sony BMG Music Entertainment, et al. v. Joel Tenenbaum*, Civ. Act. No. 1:07-cv-11661-NG (consolidated)) in your possession, custody or control.
3. Any and all documents or correspondence regarding or relating to your Internet account with Cox Communications, including but not limited to all terms of use, agreements, and correspondence regarding this matter and/or allegations of copyright infringement.

IN THE
UNITED STATES DISTRICT COURT, DISTRICT OF RHODE ISLAND

CAPITOL RECORDS, INC., ET AL.,
PLAINTIFF
NOOR ALAUJAN,
DEFENDANT

Plaintiff/Petitioner

Hearing Date: 10/13/2008

CAUSE NO: 03-CV-11661-NG

DECLARATION OF SERVICE OF:
SUBPOENA

vs.
SONY BMG MUSIC ENTERTAINMENT, ET AL.,
PLAINTIFFS
JOEL TENENBAUM
DEFENDANT

Defendant/Respondent

The undersigned hereby declares: That s(he) is now and at all times herein mentioned was a citizen of the United States, over the age of eighteen, not an officer of a plaintiff corporation, not a party to nor interested in the above entitled action, and is competent to be a witness therein.

On the 12th day of October, 2008, at 8:10 AM, at the address of 20 UPTON Avenue, PROVIDENCE, Providence County, RI 02906; this declarant served the above described documents upon ARTHUR TENENBAUM, by then and there personally delivering 1 true and correct copy(ies) thereof, by then presenting to and leaving the same with ARTHUR TENENBAUM, NAMED DEFENDANT, A white male approx. 45-55 years of age 5'8"-5'10" in height weighing 160-180 lbs with gray hair.

No information was provided or discovered that indicates that the subjects served are members of the U.S. military.

Declarant hereby states under penalty of perjury under the laws of the State of Rhode Island that the statement above is true and correct.

DATED this 14th day of October, 2008.


Gordon Moniz



FOR: HOLME ROBERTS & OWEN, LLP ORIGINAL PROOF OF
SERVICE

Tracking #: 5705976 SEA



EXHIBIT D

and to ensure that the copy of Defendant's hard drive that is inspected is an exact duplicate of Defendant's original hard drive.

An expert in computer forensics will then examine the image of the Defendant's computer hard drive for all relevant data. At Defendant's request, one copy of the mirror image and hash code signature will also be provided to Defendant's counsel. Defendant will bear the cost of obtaining the copy of the mirror image and hash code signature.

Plaintiffs' expert in computer forensics (and any assistants pursuant to the following paragraph) will keep confidential all non-relevant information regarding Defendant's computer hard drive and will disclose such information only to counsel for ~~Plaintiffs~~ ^{Defendant} or to the Court, as appropriate.

Plaintiffs' computer forensic expert may designate assistants to help in efforts necessary to complete the forensic inspection of Defendants' computer hard drive.

After final resolution of this case, including all appeals, Plaintiffs' forensic computer expert shall destroy all images of Defendant's computer hard drive and shall confirm such destruction to the satisfaction of both parties.

Defendant will prepare a privilege log for any and all files for which Defendant claims a privilege. The parties agree that such files are subject to *in camera* review by the Court.

Plaintiffs will timely notify Defendant's counsel of and produce hard copies of any and all files or documents that Plaintiffs may seek to introduce as evidence at the trial of this action so that Defendant's counsel can timely raise any objection, including privilege, to any such evidence or any portion thereof.

Plaintiffs' expert, his or her designated assistants, and plaintiffs counsel shall not access or examine any files designated on the privilege log unless otherwise ordered by the Court.

IT IS SO ORDERED.

DATED:

July 25, 2006 Sam R. F.
U. S. DISTRICT JUDGE

FILED '06 JUL 11 11:06 USDC-ORP

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HOLME, ROBERTS & OWEN LLP
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Denver, Colorado 80203
Telephone: (303) 861-7000
Facsimile: (303) 866-0200

Attorneys for Plaintiffs Atlantic Recording Corporation, Priority Records LLC,
Capitol Records, Inc., UMG Recordings, Inc. and BMG Music

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

ATLANTIC RECORDING CORPORATION, a Delaware corporation;
PRIORITY RECORDS LLC, a California limited liability company; **CAPITOL RECORDS, INC.**, a Delaware corporation;
UMG RECORDINGS, INC., a Delaware corporation; and **BMG MUSIC**, a New York general partnership,

CV No. 05-CV-933-AS

ORDER TO COMPEL INSPECTION AND
COPYING OF COMPUTER HARD DRIVE
AND PROTECTIVE ORDER

Plaintiffs,

v.

TANYA ANDERSEN,

Defendant.

PAGE 1 - ORDER TO COMPEL INSPECTION AND COPYING OF COMPUTER HARD
DRIVE AND PROTECTIVE ORDER

5

The Court hereby grants Plaintiffs' Motion to Compel and enters an Order pursuant to Federal Rule of Civil Procedure 26(c) for the protection of confidential and privileged information. IT IS THEREFORE ORDERED:

Tanya Andersen ("Defendant") will make her computer hard drive available for imaging by Plaintiffs on or before two (2) weeks after the date this Order is signed.

On behalf of Atlantic Recording Corporation, a Delaware corporation; Priority Records LLC, a California limited liability company; Capitol Records, Inc., a Delaware corporation; UMG Recordings, Inc., a Delaware corporation; and BMG Music, a new York general partnership ("Plaintiffs"), an expert in computer forensics will make one (1) verified bit-image (i.e., mirror image copy) of the computer hard drive and will create an MD5 or equivalent hash code of Defendant's original computer hard drive to ensure that Defendant's original hard drive is not altered and to ensure that the copy of the Defendant's hard drive that is inspected is an exact duplicate of Defendant's original hard drive.

An expert in computer forensics, either Douglas W. Jacobson or David J. Schroeder, will then examine the image of the Defendant's computer hard drive for all relevant data. At Defendant's request, a second copy of the mirror image and hash code signature will also be provided to Defendant's counsel. Defendant will bear the cost of obtaining the second copy of the mirror image and hash code signature.

Plaintiffs' computer forensic expert may designate assistants to help in efforts necessary to compete the forensic inspection of Defendants' computer hard drive.

After final resolution of this case, including all appeals, Plaintiffs' forensic computer expert shall destroy all images of Defendant's computer hard drive and shall confirm such destruction to the satisfaction of both parties.

Plaintiffs' expert in computer forensics (and any assistants pursuant to the follow paragraph) will keep confidential all non-relevant personal and privileged information regarding

PAGE 2 - ORDER TO COMPEL INSPECTION AND COPYING OF COMPUTER HARD DRIVE AND PROTECTIVE ORDER

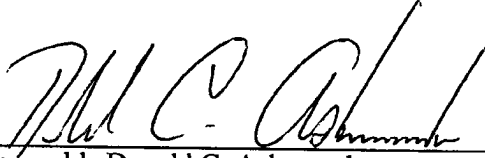
Defendant's computer hard drive and will disclose such information only to counsel for Defendant or to the Court, as appropriate.

Defendant will prepare a privilege log for any and all files for which Defendant claims a privilege. The parties agree that such files are subject to *in camera* review by the Court. Plaintiffs' expert, his or her designated assistants, and Plaintiffs' counsel shall not access or examine any files designated on the privilege log unless otherwise ordered by the Court.

Plaintiffs will timely notify Defendant's counsel of and produce hard copies of any and all files or documents that Plaintiffs may seek to introduce as evidence at the trial of this action so that Defendant's counsel can timely raise any objection, including privilege, to any such evidence or any portion thereof.

IT IS SO ORDERED.

DATED: July 10, 2006.


Honorable Donald C. Ashmanskas
UNITED STATES DISTRICT COURT MAGISTRATE
JUDGE

Submitted by:

/s/ William T. Patton
Kenneth R. Davis, II, OSB No. 97113
William T. Patton, OSB No. 97364
Telephone: 503.778.2100
of Attorneys for Plaintiffs

PAGE 3 - ORDER TO COMPEL INSPECTION AND COPYING OF COMPUTER HARD DRIVE AND PROTECTIVE ORDER

05/20/2008	<p>Minute Entry for proceedings held before Magistrate Judge Robert M. Levy: Patrick Train-Gutierrez, Matt Oppenheim, Eve Burton; Gail Thurmond (by tel). Ms. Thurmond says she was not notified of this conference; plaintiffs say they notified her by letter. Settlement negotiations at an impasse. Discovery deadline extended to 7/31/08. Plaintiffs shall provide Ms. Thurmond with transcripts of her deposition and that of her daughter. Ms. Thurmond will call Ms. Burton to designate a place where plaintiffs can pick up her computer for inspection. Plaintiffs wish to depose Ms. Thurmond's son. Ms. Thurmond objects that he was in the military at the time of the events alleged in the complaint; plaintiffs insist that Ms. Thurmond's daughter said he was at home at the relevant time. The issue will be resolved by reference to the transcript of Ms. Thurmond's daughter's deposition, a copy of which will be provided to the court. Next conference September 9 at 4:30 (tel). Plaintiffs' counsel shall advise defendant of the conference date. Settlement/Discovery Hearing held on 5/20/2008 (Levy, Robert) (Entered: 05/20/2008)</p>
------------	---

Anne Allen

From: ecf_bounces@nyed.uscourts.gov
Sent: Wednesday, January 16, 2008 10:23 AM
To: nobody@nyed.uscourts.gov
Subject: Activity in Case 1:05-cv-01095-DGT-RML UMG Recordings, Inc. et al v. Lindor Discovery Hearing

This is an automatic e-mail message generated by the CM/ECF system. Please **DO NOT RESPOND** to this e-mail because the mail box is unattended.

*****NOTE TO PUBLIC ACCESS USERS***** Judicial Conference of the United States policy permits attorneys of record and parties in a case (including pro se litigants) to receive one free electronic copy of all documents filed electronically, if receipt is required by law or directed by the filer. PACER access fees apply to all other users. To avoid later charges, download a copy of each document during this first viewing.

U.S. District Court

Eastern District of New York

Notice of Electronic Filing

The following transaction was entered on 1/16/2008 at 12:22 PM EST and filed on 1/16/2008

Case Name: UMG Recordings, Inc. et al v. Lindor

Case Number: 1:05-cv-1095

Filer:

Document Number: No document attached

Docket Text:

Minute Entry for proceedings held before Magistrate Judge Robert M. Levy: Richard Gabriel, Matt Oppenheim; Ray Beckerman, defendant; Richard Altman, nonparty Woody Raymond. (1) Plaintiffs' motion to compel granted. Defendant and/or nonparty Woody Raymond shall produce any Western Digital 100 GB external hard drive connected to defendant's computer on or before 7/8/04. (2) Discovery deadlines set as follows: close of fact discovery: 4/30/08; expert disclosure: plaintiffs May 31, 2008; defendant 6/30/08; close of expert discovery 7/31/08. (4) Woody Raymond's request to deem his deposition waived due to what he believes was undue delay in taking the deposition, is denied, as (a) it was not unreasonable for plaintiffs to wait until all issues before Judge Trager involving Woody Raymond were decided; (b) the court is not persuaded that Mr. Raymond has been prejudiced by any delay; and (c) Dr. Jacobson's report raises relevant issues relating to Mr. Raymond that will require his testimony. (5) Defendant and Woody Raymond have the right to depose Dr. Jacobson prior to the close of expert discovery. Defendant's request that plaintiffs bear the cost of that deposition is denied. While it is true that when defendant deposed Dr. Jacobson, the preliminary draft of his expert report did not mention an external hard drive, defendant chose to depose Dr. Jacobson before he made his expert disclosure or served his final expert report. Accordingly, defendant assumed the risk in taking this preliminary deposition, that further depositions might be needed. The court does not have the authority to require plaintiffs to fund that risk--nor would it be fair to do so. Next conference 7/31/08 at

11:00. Discovery Hearing held on 1/16/2008 (Levy, Robert)

1:05-cv-1095 Notice has been electronically mailed to:

Morlan Ty Rogers mtrogers@vanfelieu.com

Richard A. Altman altmanlaw@earthlink.net, iplawyer@earthlink.net

Brian Eugene Moran b Moran@rc.com

Ray Beckerman rbeckerman@vanfelieu.com

Lisa Jean Borodkin lborodkin@vanfelieu.com

Richard L. Gabriel richard.gabriel@hro.com, anne.allen@hro.com

Victor Bruce Kao vkao@rc.com

1:05-cv-1095 Notice will not be electronically mailed to:

Richard J. Guida
Robinson & Cole LLP
885 Third Avenue
Suite 2800
New York, NY 10022

Marie C. Lindor
c/o Woody A. Raymond
817 East 21th Street
Brooklyn, NY 11210