

United States Court of Appeals For the First Circuit

DOCKETING STATEMENT

No. 10-1883

Short Title: Sony BMG Music Entertainment, et al. v. Tenenbaum

Type of Action

- Civil
 Criminal/Prisoner
 Cross Appeal

A. Timeliness of Appeal

1. Date of entry of judgment or order appealed from July 9, 2010
2. Date this notice of appeal filed July 21, 2010
If cross appeal, date first notice of appeal filed July 30, 2010
3. Filing date of any post-judgment motion filed by any party which tolls time under Fed. R. App. P. 4(a)(4) or 4(b) _____
4. Date of entry of order deciding above post-judgment motion _____
5. Filing date of any motion to extend time under Fed. R. App. P. 4(a)(5), 4(a)(6) or 4(b) _____
Time extended to _____

B. Finality of Order or Judgment

1. Is the order or judgment appealed from a final decision on the merits? Yes No
2. If no,
 - a. Did the district court order entry of judgment as to fewer than all claims or all parties pursuant to Fed. R. C. P. 54(b)? Yes No
If yes, explain _____
 - b. Is the order appealed from a collateral or interlocutory order reviewable under any exception to the finality rule? Yes No
If yes, explain _____

C. Has this case previously been appealed? Yes No

If yes, give the case name, docket number and disposition of each prior appeal
 In Re: Sony BMG Music Entertainment, et al., Petitioners, Case No. 09-1090, Petition Granted

D. Are any related cases or cases raising related issues pending in this court, any district court of this circuit, or the Supreme Court? Yes No

If yes, cite the case and manner in which it is related on a separate page. If abeyance or consolidation is warranted, counsel must file a separate motion seeking such relief.

- E. Were there any in-court proceedings below? Yes No
 If yes, is a transcript necessary for this appeal? Yes No
 If yes, is transcript already on file with district court? Yes No

F. List each adverse party to the appeal. If no attorney, give address and telephone number of the adverse party. Attach additional page if necessary.

1. Adverse party Joel Tenenbaum
 Attorney Charles R. Nessen
 Address 1525 Massachusetts Avenue, Cambridge, MA 02138
 Telephone (617) 495-4609

2. Adverse party Joel Tenenbaum
 Attorney Matthew H. Feinberg and Matthew A. Kamholtz
 Address Feinberg & Kamholtz, 125 Summer Street, Boston, MA 02110
 Telephone (617) 526-0700

3. Adverse party _____
 Attorney _____
 Address _____
 Telephone _____

G. List name(s) and address(es) of appellant(s) who filed this notice of appeal and appellant's counsel. Attach additional page if necessary.

1. Appellant's name Please see Attachment A
 Address _____
 Telephone _____

Attorney's name _____
 Firm _____
 Address _____
 Telephone _____

2. Appellant's name INTERVENORS: United States of America
 Address _____
 Telephone _____

Attorney's name Michael Hertz, Michael Sullivan, James Gilligan, Michelle Bennett
 Firm U.S. Department of Justice, Civil Division, Federal Programs Branch
 Address 20 Massachusetts Avenue, NW, Room 7111, Washington, DC 20001
 Telephone (202) 305-8902

Will you be handling the appeal? (In criminal cases counsel below will handle the appeal unless relieved by this court.) Yes No

Fed. R. App. P. 12(b) provides that each attorney who files a notice of appeal must file with the clerk of the court of appeals a statement naming each party represented on appeal by that attorney. 1st Cir. R. 12.0 requires that statement in the form of an appearance.

Signature /s/ Daniel J. Cloherty
Date August 10, 2010

Attachment A to Docketing Statement
 Sony BMG Music Entertainment, et al. v. Joel Tenenbaum
 Case No.: 10-1883

G. List name(s) and address(s) of appellant(s) who filed this notice of appeal and appellant's counsel.

| | | |
|----|-------------------|---|
| 1. | Appellant's name: | Sony Music Entertainment (f/k/a Sony BMG Music Entertainment) |
| | Address: | 550 Madison Avenue, New York, NY 10022-3211 |
| | Telephone: | |

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|-------------------|--|
| Attorneys' names: | Timothy M. Reynolds, Eve G. Burton, Laurie J. Rust |
| Address: | Holme Roberts & Owen LLP, 1700 Lincoln, Suite 4100, Denver, Colorado 80203 |
| Telephone: | (303) 861-7000 |

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| Attorney's name: | Matthew J. Oppenheim |
| Address: | The Oppenheim Group, LLP, 7304 River Falls Drive Potomac, Maryland 20854 |
| Telephone: | (301) 299-4986 |

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|------------------|---|
| Attorney's name: | Daniel J. Cloherty |
| Address: | Dwyer & Collora, LLP, 600 Atlantic Avenue – 12 th Floor Boston, Massachusetts 02210-2211 |
| Telephone: | (617) 371-1000 |

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| 2. | Appellant's name: | Warner Bros. Records Inc. |
| | Address: | 3300 Warner Blvd. Burbank, CA 91505 |
| | Telephone: | |

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|-------------------|---|
| Attorneys' names: | Timothy M. Reynolds, Eve G. Burton, Laurie J. Rust |
| Address: | Holme Roberts & Owen LLP, 1700 Lincoln, Suite 4100 Denver, Colorado 80203 |
| Telephone: | (303) 861-7000 |

| | |
|------------------|--|
| Attorney's name: | Matthew J. Oppenheim |
| Address: | The Oppenheim Group, LLP, 7304 River Falls Drive Potomac, Maryland 20854 |
| Telephone: | (301) 299-4986 |

| | |
|------------------|---|
| Attorney's name: | Daniel J. Cloherty |
| Address: | Dwyer & Collora, LLP, 600 Atlantic Avenue – 12 th Floor Boston, Massachusetts 02210-2211 |
| Telephone: | (617) 371-1000 |

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| 3. | Appellant's name: | Arista Records LLC |
| | Address: | 550 Madison Avenue New York, NY 10022-3211 |
| | Telephone: | |

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|-------------------|--|
| Attorneys' names: | Timothy M. Reynolds, Eve G. Burton, Laurie J. Rust |
| Address: | Holme Roberts & Owen LLP, 1700 Lincoln, Suite 4100 Denver, Colorado 80203 |
| Telephone: | (303) 861-7000 |

| | |
|------------------|---|
| Attorney's name: | Matthew J. Oppenheim |
| Address: | The Oppenheim Group, LLP, 7304 River Falls Drive Potomac, Maryland 20854 |
| Telephone: | (301) 299-4986 |

| | |
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| Address: | Dwyer & Collora, LLP, 600 Atlantic Avenue – 12 th Floor Boston, Massachusetts 02210-2211 |
| Telephone: | (617) 371-1000 |

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| 4. | Appellant's name: | UMG Recordings, Inc. |
| | Address: | 2220 Colorado Avenue Santa Monica, CA 90404 |
| | Telephone: | |

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|-------------------|--|
| Attorneys' names: | Timothy M. Reynolds, Eve G. Burton, Laurie J. Rust |
| Address: | Holme Roberts & Owen LLP, 1700 Lincoln, Suite 4100 Denver, Colorado 80203 |
| Telephone: | (303) 861-7000 |

| | |
|------------------|---|
| Attorney's name: | Matthew J. Oppenheim |
| Address: | The Oppenheim Group, LLP, 7304 River Falls Drive Potomac, Maryland 20854 |
| Telephone: | (301) 299-4986 |

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|------------------|--|
| Attorney's name: | Daniel J. Cloherty |
| Address: | Dwyer & Collora, LLP, 600 Atlantic Avenue – 12 th Floor Boston, Massachusetts 02210-2211 |
| Telephone: | (617) 371-1000 |

CERTIFICATE OF SERVICE

Undersigned hereby certifies that on August 10, 2010 I served a copy of the foregoing DOCKETING STATEMENT on the following parties or their counsel of record by United States mail, first-class postage prepaid:

Charles R. Nesson, Esq.
1525 Massachusetts Avenue
Cambridge, MA 02138

Matthew H. Feinberg, Esq.
Matthew A. Kamholtz, Esq.
Feinberg & Kamholtz
125 Summer Street
Boston, MA 02110

Michael Hertz, Esq.
Michael Sullivan, Esq.
James Gilligan, Esq.
Michelle Bennett, Esq.
United States Department of Justice
Civil Division, Federal Programs Branch
20 Massachusetts Avenue, NW
Room 7111
Washington, DC 20001

/s/ Daniel J. Cloherty
Daniel J. Cloherty, Esq.
Dwyer & Collora, LLP
600 Atlantic Ave.
Boston, MA 02210
(617) 371-1003