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March 25, 2011

Ms. Margaret Carter
Clerk, United States Court of Appeals for the First Circuit
1 Courthouse Way, Suite 2500
Boston, MA 02210

Re: *Sony BMG v. Tenenbaum*, Nos. 10-1883, 10-1947, 10-2052

Dear Ms. Carter:

I represent Defendant-Appellee/Cross-Appellant Joel Tenenbaum in this matter. I write in response to the Court's order of March 21 regarding oral argument.

I have conferred with *amicus* Electronic Frontier Foundation, and we have agreed to divide argument time. The proposal is as follows: 16 minutes total for Defendant-Appellee Joel Tenenbaum (to be divided among two attorneys who have submitted designation forms), and 4 minutes total for *amicus* Electronic Frontier Foundation. We further propose that the Electronic Frontier Foundation be able to present its argument at the beginning of the allotted time, followed by the presentation by counsel for Tenenbaum.

Counsel presenting oral argument for *amicus* have assured me that they will promptly file a designation form.

Thank you for consideration in this matter.

Sincerely,

/s/ CHARLES R. NESSON
1525 Massachusetts Avenue
Cambridge, MA 02138
(617) 495-4609

cc: Opposing counsel and amicus (via ECF)