

**EXHIBIT C**

TO THE DECLARATION OF COLIN B. VANDELL IN SUPPORT OF NON-PARTY STEVE  
JOBS'S OBJECTION TO ORDER DENYING MR. JOBS'S MOTION FOR PROTECTIVE  
ORDER TO QUASH "APEX" DEPOSITION SUBPOENA

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Re: F.B.T. Productions, LLC et al. v. Aftermath Records et al., Case No. CV 07-3314-PSG (C.D. Cal.)

Dear Mr. Busch:

We have become aware that you have been serving subpoenas on third parties in the above-referenced case without complying with your obligations under Rule 45 to provide notice of the subpoenas to us.

We are aware of four apparent instances of your violating Rule 45 in this manner: your subpoena to the Recording Industry Association of American, your subpoena to Apple Inc., and your two subpoenas to MusicNet. We only became aware of the subpoenas to MusicNet because your office inadvertently mailed the originals of these subpoenas to us. We still have not received the notice that Rule 45(b)(1) requires for any subpoenas you have issued.

Among other things, the notice rule allows parties to the case an opportunity to object to a requested production. *See* 1991 Adv. Comm. Note to Subdivision (b); *Butler v. Biocore Med. Techs., Inc.*, 348 F.3d 1163, 1173 (10th Cir. 2003). Your failure to provide the required notice threatens defendants' rights. The Court may strike your subpoenas or impose

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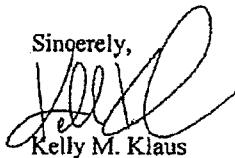
Richard S. Busch, Esq.  
January 22, 2008  
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other sanctions on account of your violations. *See Florida Media, Inc. v. World Publs., LLC*, 236 F.R.D. 693, 695 (M.D. Fla. 2006). Our clients do not waive, but rather expressly reserve, all of their rights to relief on account of your non-compliance with the Rules to date.

If you have served any subpoenas without giving us notice under Rule 45(b)(1), please notify us immediately of the relevant parties and send us copies of all papers you have served on them. Please comply with the Rules on a going-forward basis.

Finally, as you know from your representation of the plaintiff LLCs in the *Eight Mile v. Apple* action, we represent Apple in that case. Your subpoena to Apple in this case obviously concerns matters related to the *Eight Mile* action. Your attempt to communicate directly with Apple on matters that obviously are related to that litigation may be a violation of the rules of professional conduct. Please be sure that this does not happen again.

As requested by your office, we are returning the originals of the four subpoenas referenced above with the original of this letter. Thank you for your immediate attention to these matters.

Sincerely,  
  
Kelly M. Klaus

Enclosures (with mailed copy only)