

EXHIBIT A

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

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:
RECORDED BOOKS, LLC, : Civil Action No. 8:07-cv-01427-DKC
:
Plaintiff, :
v. : **PLAINTIFF RECORDED BOOKS,**
: **LLC’S FIRST REQUEST FOR**
: **PRODUCTION OF DOCUMENTS**
:
OCLC ONLINE COMPUTER LIBRARY :
CENTER, INC. d/b/a NETLIBRARY, :
Defendant. :
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Pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure, plaintiff Recorded Books, LLC requests that defendant OCLC Online Computer Library Center, Inc. d/b/a NetLibrary produce for inspection and copying the documents described herein no later than July 6, 2007.

DEFINITIONS AND INSTRUCTIONS

1. “NetLibrary” means defendant OCLC Online Computer Library Center, Inc. and its NetLibrary division, and any of their officers, directors, employees, or agents, and any of their parent, subsidiary, or affiliated companies.
2. “Recorded Books” means plaintiff Recorded Books, LLC, and any of its officers, directors, employees, or agents, and any of its parent, subsidiary, or affiliated companies.
3. “Audiobooks” means recordings of books read aloud, regardless of the format in which the recording is stored or fixed.
4. “Document” shall be interpreted in the broadest possible sense and, at a minimum, shall be synonymous in meaning and equal in scope to the usage of this term in Rule 34 of the Federal Rules of Civil Procedure and shall include, but is not limited to, any writing,

recording, photograph, electronic file, computer database, or other item containing information of any kind or nature, however produced or reproduced, whether an original, duplicate, or draft, whatever its origin or location, and regardless of the form in which such information exists or is maintained.

5. “Relating to” shall mean pertaining to, mentioning, discussing, involving, describing, commenting on, analyzing, memorializing, constituting, contributing to, supporting, rebutting, refuting, referring to, evidencing, or concerning in any way.

6. In construing these definitions, instructions, and requests: (i) the singular shall include the plural and the plural shall include the singular; (ii) the masculine, feminine, or neuter pronoun shall not exclude the other genders; (iii) the conjunctions “and” and “or” shall be read either disjunctively or conjunctively so as to bring within the scope of each request all information that might otherwise be construed to be outside its scope; and (iv) the word “any” shall be read to mean each and every.

7. All documents requested shall be produced to Recorded Books in the same file or other organization environment in which they are kept in the usual course of business. Alternatively, NetLibrary shall organize and label the produced documents to correspond with the request to which the documents are responsive.

8. Unless otherwise stated herein, the documents called for by these requests shall include any document created during, or relating to, the time period from September 16, 2004 to the present.

9. These requests are continuing in nature. In the event that NetLibrary becomes aware of any documents within the scope of any of the requests set forth below after the initial production of documents, such additional responsive information shall be immediately produced.

DOCUMENT REQUESTS

1. All documents relating to any agreement, arrangement, or other means through which NetLibrary offers audiobooks from publishers or content providers other than Recorded Books to libraries or their patrons to be downloaded via the Internet.
2. All documents relating to the “BCR Shared eAudiobook Collection.”
3. All documents relating to the “SOLINET Shared Collection of netLibrary eAudiobooks.”
4. All documents relating to NetLibrary’s “new purchase option for eAudiobooks” as described in NetLibrary’s February 12, 2007 press release (found on NetLibrary’s website at <http://company.netlibrary.com/20070224.aspx>).
5. All documents relating to any agreements between NetLibrary and Random House, Bibliographical Center for Research (BCR), Books on Tape, Blackstone Audio, Books in Motion, Listen and Live Audio, Listening Library, L.A. Theatre Works, Live Oak Media, Southeastern Library Network (SOLINET), and/or Yoyo USA concerning audiobooks.

Dated: June 22, 2007

RECORDED BOOKS, LLC

By its attorneys,

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