

Eight Mile Style, LLC et al. v. Apple Computer Inc., et al.
Case No. 2:07-CV-13164

EXHIBIT 1-H

**Plaintiff Eight Mile Style, LLC's Responses to the
Defendants' Second Set of Requests for Production of
Documents, dated August 8, 2008**

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

EIGHT MILE STYLE, LLC and
MARTIN AFFILIATED, LLC,

Plaintiffs,

vs.

APPLE COMPUTER, INC. and
AFTERMATH RECORDS d/b/a
AFTERMATH ENTERTAINMENT,

Defendants.

Case No. 2:07-cv-13164
Hon. Anna Diggs Taylor
Magistrate Judge Donald A. Scheer

Howard Hertz (P26653)
Hertz Schram PC
1760 South Telegraph Road, #300
Bloomfield Hills, MI 48302
(248) 335-5000
hhertz@hertzschr.com

Richard S. Busch (TN BPR#14594)
King & Ballow
1100 Union Street Plaza
315 Union Street
Nashville, TN 37201
(615) 259-3456
rbusch@kingballow.com
Attorney for Plaintiffs

**PLAINTIFF EIGHT MILE STYLE, LLC'S RESPONSES TO THE
DEFENDANTS' SECOND SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS**

Plaintiff Eight Mile Style, LLC ("Eight Mile") provides the following objections and responses to the Second Set of Requests for Production of Documents ("Requests") propounded by Defendants Apple Inc. (named as Apple Computer, Inc.) and Aftermath Records d/b/a Aftermath Entertainment.

GENERAL OBJECTIONS

The following General Objections apply to and are incorporated in each and every response to each and every Request, whether or not such General Objections are expressly incorporated by reference in such response.

1. Eight Mile objects to the Requests to the extent they collectively or individually

seek information or documents subject to or protected by the attorney-client privilege, the attorney work product privilege or any other privilege or protection from disclosure. Eight Mile hereby invokes all such privileges to the extent implicated by each Request and exclude privileged and protected information from its responses to the Requests. Any disclosure of information protected by those privileges is inadvertent, and is not intended to waive any privilege or protection.

2. Eight Mile objects to the Requests to the extent they purport to impose on Plaintiff any obligations that are different from or greater than any duty imposed by the Federal Rules of Civil Procedure, the Local Rules of the United States District Court for the Eastern District of Michigan, or any other applicable law or rule.

3. Eight Mile objects to the Requests as duplicative, unduly burdensome, and harassing to the extent they seek information that is equally available to Defendants, or information that could be derived or ascertained by Defendants with substantially the same effort that would be required of Plaintiffs from review of the documents produced in this case.

4. Eight Mile objects to the Requests to the extent they seek disclosure of items that are not in Eight Mile's possession, custody, or control, or that are publicly available.

5. To the extent that the Requests seek information concerning an identified contention or factual issue, Eight Mile objects on the grounds that Eight Mile has not completed its investigation of the facts relevant to this case. Eight Mile's responses are necessarily preliminary and are made without prejudice to its right to disclose, introduce or rely upon information or documents that may be later discovered or produced.

6. Eight Mile will make reasonable efforts to search for information in the places where it is reasonably likely to be found, and Eight Mile objects to the Requests to the extent

they purport to require a broader search.

7. In responding to the Requests, Eight Mile does not waive, or intend to waive, any privilege or objection, including, but not limited to, any objections to the competency, relevance, materiality, or admissibility of any of the items disclosed in response to the Requests. No objection or response made in these responses and objections shall be deemed to constitute a representation by Eight Mile as to the existence or non-existence of the items requested.

8. Eight Mile objects to Requests containing the defined term “document(s)” as vague, ambiguous, overly broad and unduly burdensome to the extent that the term as used in any Request expands Eight Mile’s duty to produce documents or items beyond the scope required of the Federal Rules of Civil Procedure. Eight Mile also objects to Requests containing the defined term “document(s)” to the extent that any Request containing the defined term seeks information that is privileged, protected and confidential. Eight Mile also objects to the extent use of the defined term “document(s)” is intended to seek information or items that are not reasonably calculated to lead to the discovery of admissible evidence of information.

9. Eight Mile objects to the Requests as vague, ambiguous, overly broad and unduly burdensome to the extent any Request requires Eight Mile to provide information that is different from or at a different time than as required under Federal Rule of Civil Procedure 26(a)(2).

10. Eight Mile objects to the Requests as vague, ambiguous, overly broad and unduly burdensome to the extent any Request commands or requires Eight Mile to provide responses or items in any manner or to any extent that is different that the scope provided by Rules 33 and 34 of the Federal Rules of Civil Procedure.

11. Eight Mile objects to Requests containing the defined term “Eminem” as vague, ambiguous, overly broad and unduly burdensome to the extent the term includes any person(s),

or entity or entities other than the individual Marshall B. Mathers III professionally known as Eminem.

12. Eight Mile objects to the definition contained in paragraph 10 of Defendants' Definitions and Instructions as vague, ambiguous, overly broad, unintelligible and unduly burdensome. Eight Mile interprets defined terms as set forth herein and other terms according to its best understanding of such terms, including the Federal Rules of Civil Procedure.

OBJECTIONS AND RESPONSES TO REQUESTS

REQUEST NO. 21:

All documents that refer or relate to the Digital Distribution of sound recordings embodying one or more of the Eminem Compositions.

ANSWER TO REQUEST NO. 21:

Eight Mile incorporates its General Objections above. Eight Mile specifically objects to this Request to the extent it calls for information protected by the attorney-client privilege and/or the work product doctrine. Eight Mile further objects to this Request as vague, ambiguous, overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence. Eight Mile further objects to this Request to the extent the documents requested are within the possession, custody or control of Defendants.

Subject to and without waiver of the foregoing General and Specific Objections, Eight Mile will produce relevant, non-privileged documents responsive to this request to the extent they have not already been produced.

REQUEST NO. 22:

All documents that refer or relate to communications between You and any music publishers or administrators (including without limitation The Harry Fox Agency) that relate to the Digital Distribution of sound recordings embodying one or more of the Eminem Compositions.

ANSWER TO REQUEST NO. 22:

Eight Mile incorporates its General Objections above. Eight Mile specifically objects to this Request to the extent it calls for information protected by the attorney-client privilege and/or the work product doctrine. Eight Mile further objects to this Request as vague, ambiguous, overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence. Eight Mile further objects to this Request to the extent the documents requested are within the possession, custody or control of Defendants.

Subject to and without waiver of the foregoing General and Specific Objections, Eight Mile will produce relevant, non-privileged documents responsive to this request to the extent they have not already been produced.

REQUEST NO. 23:

All communications, whether internal or external, that refer or relate to the Digital Distribution of sound recordings embodying one or more of the Eminem Compositions.

ANSWER TO REQUEST NO. 23:

Eight Mile incorporates its General Objections above. Eight Mile specifically objects to this Request to the extent it calls for information protected by the attorney-client privilege and/or

the work product doctrine. Eight Mile further objects to this Request as vague, ambiguous, overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence. Eight Mile further objects to this Request to the extent the documents requested are within the possession, custody or control of Defendants.

Subject to and without waiver of the foregoing General and Specific Objections, Eight Mile will produce relevant, non-privileged documents responsive to this request to the extent they have not already been produced.

REQUEST NO. 24:

All documents that You refer to in any of Your responses to Defendants' Second Set of Interrogatories, served concurrently with these Requests for Production.

ANSWER TO REQUEST NO. 24:

Eight Mile incorporates its General Objections above. Eight Mile further objects to this Request to the extent the documents requested are within the possession, custody or control of Defendants.

Subject to and without waiver of the foregoing General and Specific Objections, Eight Mile states that after a diligent search, it has located no documents responsive to this request.

REQUEST NO. 25:

All documents that You reviewed or relied upon in Preparing Your responses to Defendants' Second Set of Interrogatories, served concurrently with these Requests for Production.

ANSWER TO REQUEST NO. 25:


Eight Mile incorporates its General Objections above. Eight Mile specifically objects to this Request to the extent it calls for information protected by the attorney-client privilege and work product doctrine. Eight Miles further objects to this Request to the extent the documents requested are within the possession, custody or control of Defendants.

Subject to and without waiver of the foregoing General and Specific Objections, Eight Mile states that after a diligent search, it has located no documents responsive to this request.

DATED: August 8, 2008

Respectfully submitted,

KING & BALLOW

 with permission
Richard S. Busch, (TN Bar No. 014594)
1100 Union Street Plaza
315 Union Street
Nashville, TN 37201
(615) 259-3456
rbusch@kingballow.com

Howard Hertz, Esq. (P26653)
Jay G. Yasso, Esq. (P45484)
Hertz Schram PC
1760 S. Telegraph Rd., Suite 300
Bloomfield Hills, MI 48302
(t): (248) 335-5000
(e): hhertz@hertzschrampc.com
(e): jyasso@hertzschrampc.com

Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing document was served via U.S. Mail, postage pre-paid, and via e-mail to the following:

Counsel	On behalf of
<p>Daniel D. Quick, Esq. Dickinson Wright PLLC 38525 Woodward Ave Suite 2000 Bloomfield Hills, MI 48304 (t): (248) 433-7200 (e): dquick@dickinsonwright.com</p> <p>Kelly M. Klaus, Esq. Munger, Tolles & Olson LLP 355 South Grand Ave Suite 3500 Los Angeles, CA 90071-1560 (t): (213) 683-9238 (e): kelly.klaus@mto.com</p>	<p>Apple Computer, Inc. and Aftermath Records d/b/a Aftermath Entertainment</p>

this 8th day of August 2008.