

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

**EXHIBIT 1-K**

**Plaintiff Martin Affiliated, LLC's Responses to Defendants'  
Second Set of Interrogatories, 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

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**PLAINTIFF MARTIN AFFILIATED, LLC'S RESPONSES TO DEFENDANTS'  
SECOND SET OF INTEROGATORIES**

Plaintiff Martin Affiliated, LLC ("Martin") provides the following objections and responses to the Second Set of Interrogatories ("Interrogatories") 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 Interrogatory, whether or not such General Objections are expressly incorporated by reference in such response.

1. Martin objects to the Interrogatories to the extent they collectively or individually

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

2. Martin objects to the Interrogatories to the extent they purport to impose on Martin any obligation that is different from or greater than any 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. Martin objects to the Interrogatories 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 Martin from review of the documents produced in this case.

4. Martin objects to the Interrogatories to the extent they seek information that is not in Martin's possession, custody, or control, or that is publicly available.

5. In responding to the Interrogatories, Martin 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 information disclosed in response to the Interrogatories. No objection or response made in these responses and objections shall be deemed to constitute a representation by Martin as to the existence or non-existence of the information requested.

6. Martin objects to the Interrogatories as vague, ambiguous, overly broad and

unduly burdensome to the extent any Interrogatory requires Martin to provide information that is different from or at a different time than as required under Federal Rule of Civil Procedure 26(a)(2).

7. Martin objects to the Interrogatories as vague, ambiguous, overly broad and unduly burdensome to the extent any Interrogatory commands or requires Martin to provide responses or documents 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.

### **OBJECTIONS AND RESPONSES TO INTERROGATORIES**

#### **INTERROGATORY NO. 22:**

List all employees, representatives and agents of Eight Mile Style, LLC and/or Martin Affiliated LLC who have had any role in the licensing of the Eminem Compositions.

#### **RESPONSE TO INTERROGATORY NO. 22:**

Martin objects to this interrogatory on the grounds that the phrase “have any role” is vague and ambiguous.

Subject to and without waiver of the foregoing objections, Martin states that Melissa Van Hagen and Joel Martin are the current individuals with plaintiffs who have the primary role in the licensing of the Eminem Compositions.

#### **INTERROGATORY NO. 23:**

Provide contact information for all of the employees, representatives, and agents listed in response to Interrogatory No. 22.

#### **RESPONSE TO INTERROGATORY NO. 23:**

Melissa Van Hagen and Joel Martin may be contacted through counsel for plaintiffs.

**INTERROGATORY NO. [24]:<sup>1</sup>**

To the extent not encompassed in your response to Interrogatory No. 22, list any music publisher or administrator that has had any role in the licensing of the Eminem Compositions.

**RESPONSE TO INTERROGATORY NO. [24]:**

Martin incorporates its objections to Interrogatory No. 22.

Subject to and without waiver of the foregoing General and Specific Objections, Martin states that with regard to the copyright interests in the Eminem Compositions derived from the authorship of Marshall Mathers, Jeff Bass, Mark Bass, Louis Resto and Steve King, Eight Mile, Martin Affiliated and Famous Music or its affiliate Ensign Music Corporation may have had roles in licensing of the Eminem Compositions.

**INTERROGATORY NO. [25]<sup>2</sup>:**

Provide contact information for any music publishers or administrators listed in response to Interrogatory No. [24]<sup>3</sup>.

**RESPONSE TO INTERROGATORY NO. [25]:**

Eight Mile Style and Martin Affiliated may be contacted through counsel for plaintiffs. Famous Music and its affiliate Ensign Music Corporation may be contacted c/o Sony/ATV Music, 550 Madison Ave, New York, New York 10022.

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<sup>1</sup> Defendants inadvertently numbered this Interrogatory as 23. For ease of reference, Martin shall refer to this Interrogatory and Response as [24].

<sup>2</sup> Defendants' mis-numbering of Interrogatory [24] led to this Interrogatory being numbered as 24. For ease of reference, Plaintiff shall refer to this Interrogatory and Response as [25].

<sup>3</sup> Defendants inadvertently refer to Interrogatory 23. For ease of reference, Plaintiff shall refer to this Interrogatory as [24].

DATED: August 8, 2008

Respectfully submitted,

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**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:

<p>Counsel</p> <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 &amp; Olson LLP 355 South Grand Ave Suite 3500 Los Angeles, CA 90071-1560 (t): (213) 683-9238 (e): kelly.klaus@mto.com</p>	<p>On behalf of</p> <p>Apple Computer, Inc. and Aftermath Records d/b/a Aftermath Entertainment</p>
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this 8<sup>th</sup> day of August 2008.

A handwritten signature in black ink, appearing to read "Kelly Klaus", is written over a horizontal line.