

**UNITED STATES DISTRICT COURT
IN 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**

Defendant.

Case No. 2:07-cv-13164

Hon. Anna Diggs Taylor

Magistrate Judge Donald A. Scheer

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

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

**DECLARATION OF RICHARD S. BUSCH
IN OPPOSITION TO DEFENDANTS' MOTION TO STRIKE**

I, Richard S. Busch, having personal knowledge of the facts contained in this declaration, state as follows:

1. I am an attorney and partner in the law firm of King & Ballow, which represents plaintiffs Eight Mile Style, LLC and Martin Affiliated, LLC ("plaintiffs") in the above-entitled action. I am familiar with the files in this litigation.

2. Attached hereto as **Exhibit 1** is a true and correct copy of two emails dated August 19, 2008 between Ramona DeSalvo, an associate at my firm working on this case, and Patrick Sullivan, one of plaintiffs' retained expert witnesses.

3. On June 3, 2008, plaintiffs discovered 100 pages of documents, and, on June 4, 2008, produced those documents to defendants. These consisted of license requests from UMG addressed to plaintiff Eight Mile Style. Many of the documents had been earlier produced, and the remainder were similar to those produced earlier during discovery.

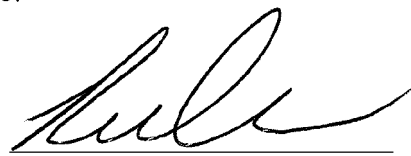
4. Attached hereto as **Exhibit 2** is a true and correct copy of letter dated June 6, 2008 from defendants regarding the documents plaintiffs produced on June 4, 2008. Attached hereto as **Exhibit 3** is a true and correct copy of an email from Marc Guilford, an associate working on this case with me, responding to defendants' June 6 letter.

5. Attached hereto as **Exhibit 4** is a true and correct copy of a letter dated August 19, 2008 from Kelly Klaus, counsel for defendants, to me. Attached hereto as **Exhibit 5** is a true and correct copy of a letter dated August 20, 2008, which I wrote in response. Plaintiffs ultimately produced some of the documents defendants requested in their letter of August 19, 2008 on August 28, 2008, by attaching them to their opposition to defendants' motion for summary judgment.

6. On September 15, 2008, plaintiffs obtained from the Copyright Office copies of certificates of registration for some of the compositions at issue in this case and produced them to defendants on the same day. Anyone may request and obtain copies of certificates of registration from the Copyright Office. These certificates had not been attached to plaintiffs' complaint because plaintiffs were not in possession of them.

7. Attached hereto as **Exhibit 6** is a true and correct copy of a letter from defendants dated October 2, 2008. Attached hereto as **Exhibit 7** is a true and correct copy of plaintiffs' letter in response, dated October 6, 2008, which also attached a redacted portion of the documents defendants discussed in their October 2, 2008 letter.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct. Executed this 30th day of October, 2008.

A handwritten signature in black ink, appearing to read "Richard Busch", written over a horizontal line.

Richard Busch