

EXHIBIT A

DECLARATION OF RICHARD S. BUSCH

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

**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 SUPPORT OF PLAINTIFFS'
EMERGENCY MOTION TO RESOLVE DISCOVERY ISSUES**

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 pages of the December 4, 2008 transcript of the oral argument hearing in this case, referenced in Plaintiffs’ Emergency Motion filed concurrently herewith, in which Judge Taylor granted Plaintiffs the right to additional discovery into the documents produced by Defendants after the close of discovery.

3. Plaintiffs served their second set of document requests and interrogatories on Defendants in mid-February 2009. Defendants served written discovery on Plaintiffs at approximately the same time, and the parties agreed that responses would be due May 8, 2009. Plaintiffs' written discovery sought, among other things, information about whether the documents upon which Defendants relied on in their motion for summary judgment are licenses, and whether the third parties had any right to grant licenses. Defendants objected to certain discovery requests of Plaintiffs by asserting that those requests asked for information better sought from a third party.

4. On Friday, May 15, 2009, Defendants sent an email requesting to move the time or location of the 30(b)(6) depositions of Plaintiffs they had noticed for June 9. I advised that Plaintiffs were unable to go forward with the deposition either on June 9 or June 10 due to a court hearing I have scheduled in Nashville for June 10.

5. On Monday, May 18, Defendants gave Plaintiffs notice of three subpoenas they were attempting to serve on third parties for documents and depositions. The dates of those subpoenas were set for June 5, June 8 and June 10, despite Defendants' knowledge that Plaintiffs were unavailable on June 10.

6. On May 27, 2009, the parties had a length meet and confer concerning both sides' discovery responses and the scheduling of a number of depositions that had been noticed. During this meet and confer, I advised that I was unavailable on June 3 and June 10 due to a personal commitment and a court hearing in Nashville, Tennessee respectively, and asked defense counsel to reschedule the deposition they had noticed on June 10.

7. Also during the May 27 meet and confer, defense counsel advised that defendant Aftermath would have 3 representatives in response to the 30(b)(6) notice but had not yet found

a date on which all three were available. As a result of the above conflicts, we agreed to extend the dates for these depositions through July 4, 2009.

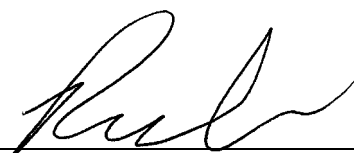
8. Defendants also agreed to reconsider their objections to certain discovery requests and interrogatories, and agreed to indicate by Monday June 1 whether they would supplement those responses.

9. On May 28, Plaintiffs sent subpoenas to five third party entities and gave Defendants notice of those subpoenas. Plaintiffs also circulated a draft stipulation extending the discovery deadline through July 4, 2009 for taking depositions, as discussed in the May 27, 2009 call. Later that day, Defendants wrote in reply to Plaintiffs' proposed stipulation that the parties' agreement extending the time for depositions did not encompass the depositions Plaintiffs had noticed that day.

10. Defendants stated that were refusing the requested extension because Plaintiffs did not identify these depositions in the conversation on May 27, 2009, and because Plaintiffs have already taken 10 depositions in this action.

11. On Friday, May 29, 2009, I was contacted by outside counsel representing the Harry Fox Agency in response to our subpoena. I spoke again with Harry Fox's counsel on June 1, and counsel advised that while Harry Fox was willing to cooperate with the subpoena, they requested an extension of the June 8 date.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct. Executed this 2nd day of June, 2009.


Richard Busch