

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

EXHIBIT 1

**Plaintiffs' Initial Disclosures,
Dated February 12, 2008**

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

EIGHT MILE STYLE, LLC and
MARTIN AFFILIATED, LLC

Plaintiffs,

vs.

Case No. 2:07-cv-13164
Hon. Anna Diggs Taylor

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

Defendants.

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PLAINTIFFS' INITIAL DISCLOSURES

COME NOW Plaintiffs Eight Mile Style, LLC (“Eight Mile”) and Martin Affiliated, LLC (“Martin”) (collectively, “Plaintiffs”), by and through counsel, and submit the following initial disclosures pursuant to Rule 26(a)(1) of the Federal Rules of Civil Procedure.

(A) the name, and if known, the address and telephone number of each individual likely to have discoverable information that the disclosing party may use to support its claims or defenses, unless solely for impeachment, identifying the subjects of the information;

Response: Plaintiffs state that the following persons are likely to have discoverable information:

1. Joel Martin
c/o King & Ballou
1100 Union Street Plaza
315 Union Street
Nashville, TN 37201
(615) 259-3456

These individuals may have knowledge of the following: The ownership and administration of the Eminem Compositions by Eight Mile and Martin Affiliated, and the agreements which Defendants assert authorize Apple to reproduce, distribute, and sell sound recordings of the Eminem Compositions for digital download through its iTunes Store.

Plaintiffs also include any and all additional individuals who may be listed in the Initial Disclosures of Defendants.

In addition to the foregoing, other individuals may have discoverable knowledge and information not reasonably known to Plaintiffs at this time. Finally, Plaintiffs specifically reserve the right to utilize other witnesses who are later identified as having

discoverable information relevant to this matter and disclose them by amended Initial Disclosures, Interrogatory Responses, Responses to Document Requests, and other written discovery, written correspondence or deposition testimony.

Please keep in mind that a lawyer for a party that is adverse to an organization in litigation may not communicate directly or indirectly with any person who is a manager or supervisor of such organization or any other person whose act or omission may be imputed to the organization or constitute an admission of the organization. Therefore, all attempts to communicate with such individuals should be made through the law offices of King & Ballou.

(B) a copy of, or a description by category and location of, all documents, data compilations, and tangible things that are in the possession, custody, or control of the party and that the disclosing party may use to support its claims or defenses, unless solely for impeachment;

Response: Plaintiffs identifies the following items that are in its possession, custody, or control:

1. Certificates of Registration for the Eminem Compositions, which are attached as Collective Exhibit A to Plaintiff's Complaint.
2. The Mastertone License Agreement entered into by Eight Mile and Martin Affiliated on the one hand and Interscope Records, a division of UMG Recordings, Inc., on August 26, 2005 granting a limited license to create and distributing mastertone recordings of the Eminem Compositions.

Plaintiffs reserve the right to supplement these disclosures pursuant to Rule 26 of the Federal Rules of Civil Procedure, if and when any further documents, data compilations and/or tangible things become known to Plaintiffs or become relevant in

this case. Plaintiffs will provide documents responsive to this request at a mutually convenient time and place.

(C) a computation of any category of damages claimed by the disclosing party, making available for inspection and copying as under Rule 34 the documents or other evidentiary material, not privileged or protected from disclosure, on which such computation is based, including materials bearing on the nature and extent of the injuries suffered;

Response: Plaintiffs contend that as a result of Defendants' willful copyright infringement, Plaintiffs are entitled to their actual damages and the profits of Apple that are attributable to the digital reproduction, sale, and distribution of the Eminem Compositions, or alternatively, statutory damages of up to \$150,000 per act of infringement.

Plaintiffs reserve the right to supplement this disclosure pursuant to Rule 26(c)(1) of the Federal Rules of Civil Procedure

(D) for inspection and copying as under Rule 34 any insurance agreement under which any person carrying on an insurance business may be liable to satisfy part or all of a judgment which may be entered in the action or to indemnify or reimburse for payments made to satisfy the judgment.

Response: None.

Plaintiffs reserve the right to supplement this disclosure pursuant to Rule 26(c)(1) of the Federal Rules of Civil Procedure.

Dated: February 12, 2008

Richard Busch w/p.m. JSP

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing document was served via Hand Delivery 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 (t): (213) 683-9238 (e): kelly.klaus@mto.com</p>	<p>Apple Computer, Inc. and Aftermath Records d/b/a Aftermath Entertainment</p>

this 12th day of February 2008.


