

DECLARATION OF MARC R. GUILFORD

EXHIBIT D

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

From: Marc Guilford
Sent: Thursday, February 26, 2009 8:23 PM
To: Pomerantz, Glenn; Klaus, Kelly; LeMoine, Melinda
Cc: Richard Busch; Howard Hertz
Subject: Eight Mile v. Apple -- Discovery

Counsel,

Defendants previously objected to certain of plaintiffs' discovery requests concerning damages as being "premature." In light of the judge's denial of your bifurcation motion, defendants must respond to those portions of Plaintiffs' First Set of Interrogatories and First Set of Requests for the Production of Documents to both Aftermath and Apple pertaining to damages.

Specifically, without agreeing to limit the generality of defendants' obligations under the Federal Rules of Procedure to supplement all discovery responses, plaintiffs ask for responses to: Interrogatories 11, 12, 13 and 14 to Aftermath; Document Requests 4, 14, 15, 16 and 19 to Aftermath; Interrogatories 11, 12, 13, and 14 to Apple; Document Requests 4, 14, 15, 16, 17, 18 and 19 to Apple. Both defendants refused entirely to respond to these interrogatories and document requests.

In addition as I told Mindy in the courtroom yesterday, I hand delivered our second sets of interrogatories and document requests on Tuesday, February 17. I was sent to the mailroom and dropped them off with someone there; I told that person they should be directed to Mr. Pomerantz.

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