

EXHIBIT 1

DECLARATION OF MARC GUILFORD

**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 Marc R. Guilford in support of Plaintiffs' Motion in Limine #5 to Exclude
Unsigned/Incomplete Licenses, Licenses for Configurations Other than Permanent
Download, and Licenses Issued to Third Parties**

I, Marc R. Guilford, having personal knowledge of the facts contained in this declaration, state as follows:

1. I am an attorney and associate 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 A** is a true and correct copy of Defendants' Exhibit 2487, which is Bates stamped AFT 0063849 through AFT 0063850, which is being filed under seal.

3. Attached hereto as **Exhibit A-1** is a list of documents on Defendants' exhibit list issued by the Harry Fox Agency that do not pertain to permanent downloads.

4. Attached hereto as **Exhibit B** is a true and correct copy of Defendants' Exhibit 2210, which is Bates stamped AFT 0063230 through AFT 0063232, which is being filed under seal.

5. Attached hereto as **Exhibit B-1** is a list of licenses on Defendants' exhibit list that purport to grant licenses for configurations other than permanent download.

6. Attached hereto as **Exhibit C** is a true and correct copy of Defendants' Exhibit 2260, which is Bates stamped AFT 63715 through AFT 0063716. Exhibit C is being filed under seal.

7. Attached hereto as **Exhibit C-1** is a list of documents on Defendants' exhibit list that are license requests, unsigned licenses, or purported licenses that are incomplete for other reasons.

8. Attached hereto as **Exhibit D** is a true and correct copy of Defendants' Exhibit 2479, which is Bates stamped ENSIGN-0000043. Exhibit D is being filed under seal.

9. Attached hereto as **Exhibit D-1** is a list of documents on Defendants' exhibit list that purport to grant licenses to parties other than Defendants.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct. Executed this 14th day of September, 2009.

/s/ Marc R. Guilford
Marc R. Guilford

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing document was served via the Court's Electronic Filing System:

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 Los Angeles, CA 90071-1560 (t): (213) 683-9238 (e): kelly.klaus@mto.com</p>	<p>Apple Computer, Inc. and Aftermath Records d/b/a Aftermath Entertainment</p>

this 14th day of September 2009.

s/ Richard S. Busch