

**DECLARATION OF RICHARD S. BUSCH IN SUPPORT OF PLAINTIFFS'  
MOTION TO EXCLUDE LATE PRODUCED DOCUMENTS**

**EXHIBIT 1-C: Defendants' responses to emails from plaintiffs**

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

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**From:** Pomerantz, Glenn [Glenn.Pomerantz@mto.com]  
**Sent:** Friday, May 30, 2008 7:24 PM  
**To:** Richard Busch  
**Cc:** Klaus, Kelly; LeMoine, Melinda; Encinas, Kimberly  
**Subject:** Ostroff deposition

You have asked for an alternative date for Mr. Ostroff, because June 13 does not work for you. I am informed that Mr. Ostroff is available for deposition in Los Angeles on Thursday, June 5.

We don't agree with your views on our interrogatory responses and Initial Disclosures that you expressed in your email earlier today. We do not have an obligation now to tell you what subject matters Mr. Ostroff will testify about at trial. In any event, we have not made the decision whether to call Mr. Ostroff as a trial witness in either the FBT or Eight Mile case. We have simply informed you that we reserve the right to do so in both cases and will make him available for deposition before June 28. I can, however, provide you with some information about his relevant knowledge. First, you can look at the testimony of other witnesses who have already been deposed to understand some issues upon which Mr. Ostroff has knowledge. Second, we may designate Mr. Ostroff as a 30b6 witness on one or more subject matters included in the 30b6 notice that you served on Aftermath in the Eight Mile case. If we plan on doing so, we will identify the subject matters for you prior to the deposition. Third, as for the Eight Mile case, Mr. Ostroff does have knowledge of controlled composition clauses and some of the reasons for certain practices in Universal's copyright department. This is not intended as an exhaustive list of his relevant knowledge, but it should give you some indication of some areas of inquiry.

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**From:** Pomerantz, Glenn [Glenn.Pomerantz@mto.com]  
**Sent:** Friday, May 30, 2008 7:31 PM  
**To:** Marc Guilford  
**Cc:** Richard Busch  
**Subject:** FW: Ostroff deposition

Marc: I think our emails may have crossed. I just sent this email to Richard, and he responded that June 5 may work for him and that we would speak on Monday.

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**From:** Pomerantz, Glenn  
**Sent:** Friday, May 30, 2008 5:24 PM  
**To:** Richard Busch  
**Cc:** Klaus, Kelly; LeMoine, Melinda; Encinas, Kimberly  
**Subject:** Ostroff deposition

You have asked for an alternative date for Mr. Ostroff, because June 13 does not work for you. I am informed that Mr. Ostroff is available for deposition in Los Angeles on Thursday, June 5.

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