## IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MINNESOTA

CAPITOL RECORDS INC., a Delaware corporation; SONY BMG MUSIC ENTERTAINMENT, a Delaware general partnership; ARISTA RECORDS LLC, a Delaware limited liability company; INTERSCOPE RECORDS, a California general partnership; WARNER BROS. RECORDS INC., a Delaware corporation; and UMG RECORDINGS, INC., a Delaware corporation,

Case No. 06-cv-1497 (MJD/RLE)

DECLARATION OF BRIAN N. TODER

Plaintiffs.

v.

Jammie Thomas.

Defendant.

## Brian N. Toder declares as follows:

- 1. I am counsel to defendant above-named, and this is my declaration.
- 2. This Declaration is offered in support of Defendant's Motion for New Trial, or in the Alternative, for Remittitur.
- 3. Attached hereto, and marked as Exhibit 1, is a true and correct copy of an Affidavit by Aram Sinnreich, a music industry analyst, Docket No. 37-3, in UMG Recordings Inc. v. Lindor, E.D.N.Y., 05-cv-1095.

I declare under penalty of perjury under the laws of the United States of America, particularly 28 U.S.C. § 1746, that the foregoing is true and correct and that this Declaration was executed on the 15th day of October, 2007 in Minneapolis, Minnesota.

Dated: October 15, 2007

s/ Brian N. Toder Brian N. Toder, #17869X Chestnut & Cambronne, P.A. 3700 Campbell Mithun Tower 222 South Ninth Street Minneapolis, MN 55402 (651) 653-0990

**Attorneys for Defendant**