

# UNITED STATES DISTRICT COURT

DISTRICT OF MINNESOTA

## DEFENDANT'S WITNESS LIST

Capitol Records Inc., et al. V. Jammie Thomas

Case Number: 06-CV-1497 (MJD/RJD)

PRESIDING JUDGE – Michael J. Davis		PLAINTIFF'S ATTORNEY – Tim Reynolds		DEFENDANT'S ATTORNEY – K.A.D. Camara	
TRIAL DATE: June 15, 2009		COURT REPORTER		COURTROOM DEPUTY	
PLF. NO.	DEF. NO.	DATE OFFERED	MARKED	ADMITTED	DESCRIPTION OF EXHIBITS* AND WITNESSES
					Witness: Defendant Jammie Thomas-Rasset. 618 8 <sup>th</sup> Street South, Apartment 1, Brainerd, MN 56401. Ms. Thomas will testify on the use of her computer during the relevant time period and respond to Plaintiff's allegations of file sharing. <b>(WILL CALL)</b>
					Witness: Dr. Yongdae Kim. Department of Computer Science & Engineering, University of Minnesota, 4-192 EE/CS Building, 200 Union St. SE, Minneapolis, MN 55455. Dr. Kim will offer expert testimony on file sharing software, whether Defendant downloaded the songs in question from the internet or "ripped" them from a CD, and all matters contained in his expert report previously provided. In addition, Dr. Kim may offer rebuttal testimony to Plaintiffs' expert testimony. <b>(may call)</b>
					Witness: A custodian of records for Best Buy, 14555 Edgewood Drive, Baxter, Minnesota 56425. If called, a representative of Best Buy will testify concerning its Sales and Service for Defendant, the replacement of Defendant's hard drive, Best Buy's response to the Rule 45 subpoena served on it by Plaintiffs, and Best Buy's business records relating to Defendant. In addition, the representative will be questioned regarding the meaning of certain data contained in documents produced by Best Buy. <b>(may call)</b>
					Witness: Chris Bavitz, for the Plaintiffs Virgin Records America, Inc. and Capitol Records, Inc. Mr. Bavitz may be contacted through Plaintiffs' counsel. If called, Mr. Bavitz will testify concerning Plaintiffs' copyrighted sound recordings, Plaintiffs' ownership of or exclusive license to the copyrights in the sound recordings at issue in this case, the lack of licensing of the copyrighted sound recordings to Defendant, and the harm to the recording industry that has resulted from widespread illegal sharing of Plaintiffs' copyrighted recordings over the Internet and the recording industry's response to the alleged harm through litigation. <b>(may call)</b>
					Witness: Betsy Brown, for the Plaintiff Warner Bros. Records, Inc. Ms. Brown may be contacted through Plaintiffs' counsel. If called, Ms. Brown will testify concerning Plaintiffs' copyrighted sound recordings, Plaintiffs' ownership of or exclusive license to the copyrights in the sound recordings at issue in this case, the lack of licensing of the copyrighted sound recordings to Defendant, and the harm to the recording industry that has resulted from widespread illegal sharing of Plaintiffs' copyrighted recordings over the Internet and the recording industry's response to the alleged harm through litigation. <b>(may call)</b>

				<p>Witness: JoAn Cho, for the Plaintiffs UMG Recordings, Inc. and Interscope Records. Ms. Cho may be contacted through Plaintiffs' counsel. If called, Ms. Cho will testify concerning Plaintiffs' copyrighted sound recordings, Plaintiffs' ownership of or exclusive license to the copyrights in the sound recordings at issue in this case, the lack of licensing of the copyrighted sound recordings to Defendant, and the harm to the recording industry that has resulted from widespread illegal sharing of Plaintiffs' copyrighted recordings over the Internet and the recording industry's response to the alleged harm through litigation. <b>(may call)</b></p>
				<p>Witness: David Edgar, Manager Internet Security, Charter Communications, Inc., 12405 Powerscourt Drive, St. Louis, Missouri 63131. If called, Mr. Edgar will testify concerning Charter's identification of IP address 24.179.199.117 as being registered to Defendant on February 21, 2005, its response to the Rule 45 subpoenas served on it by Plaintiffs, its letter to Brian Toder regarding billing records, Defendant's subscription to Internet service through Charter, and Charter's business and other records relating to Defendant's Internet account. In addition, Mr. Edgar will be questioned on regarding the meaning of certain data contained in the documents produced by Charter. <b>(may call)</b></p>
				<p>Witness: Jennifer L. Pariser, for the Plaintiffs Sony BMG Music Entertainment and Arista Records LLC. Ms. Pariser may be contacted through Plaintiffs' counsel. Ms. Pariser will testify concerning Plaintiffs' copyrighted sound recordings, Plaintiffs' ownership of or exclusive license to the copyrights in the sound recordings at issue in this case, the lack of licensing of the copyrighted sound recordings to Defendant, and the harm to the recording industry that has resulted from widespread illegal sharing of Plaintiffs' copyrighted recordings over the Internet and the recording industry's response to the alleged harm through litigation. <b>(may call)</b></p>
				<p>Witness: Cary Sherman, President, Recording Industry Association of America. Mr. Sherman may be contacted through Plaintiffs' counsel. If called, Mr. Sherman will testify regarding issues relating to the operation of on-line media distribution systems; the search for, capture, and downloading from Defendant's computer of the sound recordings at issue in this case, and the impact of the harm to the recording industry that has resulted from widespread illegal sharing of Plaintiffs' copyrighted recordings over the Internet and the recording industry's response to the alleged harm through litigation. <b>(may call)</b></p>
				<p>Witness: Mark Weaver, MediaSentry Managed Services unit of Safenet, Inc. Mr. Weaver may be contacted through MediaSentry's counsel, Thomas M. Mullaney, Esq., 708 Third Avenue, Suite 2500, New York New York, 10017. Mr. Weaver will testify concerning SafeNet's investigation of illegal file sharing activity through the Internet account of Defendant, including without limitation SafeNet's detection of hundreds of sound recordings being distributed to other Internet users from IP address 24.179.199.117 on February 21, 2005, SafeNet's collection of information concerning Defendant's online file sharing activity, other evidence of Defendant's alleged infringing behavior, peer to peer architecture, and how Defendant used peer-to-peer software to engage in copyright infringement. Mr. Weaver will also be asked to testify regarding MediaSentry's relationship with the Plaintiffs and the recording industry, the termination of that relationship, and MediaSentry's compliance with state and federal law in conducting its activities. <b>(may call)</b></p>
				<p>Any witness necessary for authentication, impeachment, or rebuttal</p>
				<p>Defendant reserves the right to add additional witnesses depending on Plaintiffs' witness and exhibit designations</p>
				<p>Witness: Defendant also may call any witness listed on Plaintiff's witness list. Plaintiff's witness list is hereby incorporated by reference.</p>