

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA
DULUTH DIVISION**

VIRGIN RECORDS AMERICA, INC., a California corporation; 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,

Plaintiffs,

vs.

Jammie Thomas,

Defendant.

Case No.: 06cv1497-MJD/RLE

**MOTION FOR SUMMARY
ADJUDICATION OF SPECIFIC FACTS**

Plaintiffs respectfully move for summary of specific facts relating to their claim of copyright infringement against Defendant. In support of this motion, Plaintiffs have attached Plaintiffs' Memorandum of Law in Support for Summary Adjudication of Specific Facts ("Plaintiffs' Memorandum") and will supplement with declarations by Plaintiffs' representatives as referenced in Plaintiffs' Memorandum. As set forth in Plaintiffs' Memorandum, there are no disputed issues of material fact, and Plaintiffs are entitled to summary adjudication under Fed. R. Civ. P. 56(a) and (d) and request an order finding that the following material facts exist without substantial controversy: (1) Plaintiffs are, and at all relevant times have been, the copyright owners or licensees of exclusive rights under United States copyright with respect to the twenty-six (26) Sound Recordings at issue in this case (which Sound Recordings are identified in

Exhibit 1 to Plaintiffs' Memorandum of Law in Support of Motion for Summary Adjudication of Specific Facts), (2) that the Sound Recordings are and were the subject of valid Certificates of Copyright Registration issued by the Register of Copyrights, and (3) that Plaintiffs did not authorize Defendant to copy or distribute the Sound Recordings. Plaintiffs further request such other relief as the Court deems just and necessary.

Respectfully submitted this 24th day of August 2007.

	<p><u>s/Felicia J. Boyd</u> Felicia J. Boyd (No. 186168) Laura G. Coates (No. 350175) FAEGRE & BENSON LLP 2200 Wells Fargo Center 90 South Seventh Street Minneapolis, Minnesota 55402-3901 Telephone: (612) 766-7000 Facsimile: (612) 766-1600</p> <p>Timothy M. Reynolds (pro hac vice) David A. Tonini (pro hac vice) Andrew B. Mohraz (pro hac vice) HOLME ROBERTS & OWEN LLP 1700 Lincoln, Suite 4100 Denver, Colorado 80203 Telephone: (303) 861-7000 Facsimile: (303) 866-0200</p> <p>ATTORNEYS FOR PLAINTIFFS</p>
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on August 24, 2007, a copy of the foregoing

MOTION FOR SUMMARY ADJUDICATION OF SPECIFIC FACTS was served upon the

Defendant via United States Mail as follows:

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