

**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

**DECLARATION OF ALASDAIR  
MCMULLAN IN SUPPORT OF MOTION  
FOR SUMMARY ADJUDICATION OF  
SPECIFIC FACTS**

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I, Alasdair McMullan, pursuant to 28 U.S.C. § 1746, declare the following to be true and correct to the best of my knowledge:

1. I am Senior Vice President of Legal Affairs for EMI Music North America (“EMI”). My responsibilities include working on behalf of EMI-affiliated entities such as Virgin Records America, Inc. and Capitol Records, Inc. (the “Current EMI Companies”). I have possession, custody and/or control of the business records of the Current EMI Companies, which are parties to this action. If called and sworn as a witness, I could competently testify to the facts herein.

2. Each of the Current EMI Companies is engaged in the creation, manufacture, distribution and/or sale of sound recordings. In connection with this business, the Current EMI Companies generally enter into contracts with musical performers whereby the Current EMI

Companies either own the copyrights in sound recordings featuring those performers or have exclusive rights under copyright (e.g., reproduction and/or distribution rights) in sound recordings featuring those performers.

3. Attached to this Declaration as Exhibit 1 is a list of copyrighted sound recordings for which recovery is being sought in the above action, including two works for which the Current EMI Companies own the copyrights in the sound recordings and have exclusive rights under copyright (e. a., reproduction and distribution rights) in the sound recordings (“EMI Recordings”). Exhibit 1 shows the artist, song title, album title, and the copyright registration number (SR#) for each of the EMI Recordings.

4. The Current EMI Companies’ copyright registration for each of the EMI Recordings was effective prior to the date on which Plaintiffs observed Defendant infringing them.

5. The EMI Recordings in question have been registered with the U.S. Copyright Office.

6. The Current EMI Companies did not grant Defendant authorization to upload, download, copy or distribute the EMI Recordings.

I declare under the penalty of perjury that the foregoing is true and correct. Executed this 23rd day of August, 2007 at New York, New York.

s/ Alasdair McMullan  
Alasdair McMullan