

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MINNESOTA

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,

v.

Jammie Thomas,

Defendant.

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

DECLARATION OF  
BRIAN N. TODER

Brian N. Toder declares as follows:

1. I am counsel for Defendant, Jammie Thomas, in the above-entitled matter.
2. This Declaration is offered in opposition to Plaintiffs' Motion to Enforce Stipulation re Specific Facts or, in the Alternative, for Leave to File Dispositive Motion as to Such Facts. [Dkt. 41]
3. Attached hereto are true and correct photocopies of the following:  
  
Exhibit 1 – August 6, 2007 email from Plaintiffs to Defendant's counsel  
  
transmitting proposed Stipulation without "Schedule 1."

Exhibit 2 – August 9, 2007 email from Plaintiffs to Defendant’s counsel.

Exhibit 3 – August 17, 2007 email from Plaintiffs to Defendant’s counsel without attachments.

Exhibit 4 – August 17, 2007 email from Plaintiffs to Defendant’s counsel.

Exhibit 5 – August 21, 2007 email from Defendant’s counsel to Plaintiffs’ counsel.

Exhibit 6 – Schedule 1.

Exhibit 7 – Certificate of Registration of USCO Serial #SR 85-358.

Exhibit 8 - Certificate of Registration of USCO Serial #SR 141-365.

Exhibit 9 - Certificate of Registration of USCO Serial #SR 69-529.

Exhibit 10 - Certificate of Registration of USCO Serial #SR 43-223.

Exhibit 11 - Certificate of Registration of USCO Serial #SR 83-468.

Exhibit 12 - Certificate of Registration of USCO Serial #SR 153-061.

Exhibit 13 - Certificate of Registration of USCO Serial #SR 90-420.

Exhibit 14 - Certificate of Registration of USCO Serial #SR 256-807.

Exhibit 15 - Certificate of Registration of USCO Serial #SR 58-024.

Exhibit 16 - Certificate of Registration of USCO Serial #SR 209-823.

Exhibit 17 - Certificate of Registration of USCO Serial #SR 134-647.

Exhibit 18 - Certificate of Registration of USCO Serial #SR 30-088.

Exhibit 19 - Certificate of Registration of USCO Serial #SR 174-392.

Exhibit 20 - Certificate of Registration of USCO Serial #SR 241-879.

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 6th day of September, 2007 in Minneapolis, Minnesota.

Dated: September 6, 2007

s/ Brian N. Toder  
Brian N. Toder, #17869X  
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**Attorneys for Defendant**