

EXHIBIT 1

**SCHEDULE 1
THOMAS, JAMMIE (MN)**

Copyright Plaintiff	Artist	Song Title	Album Title	SR
UMG Recordings, Inc.	Guns N Roses	Welcome to the Jungle	Appetite for Destruction	85-358
UMG Recordings, Inc.	Vanessa Williams	Save the Best for Last	Comfort Zone	141-365
UMG Recordings, Inc.	Janet Jackson	Let's Wait Awhile	Control	69-529
SONY BMG MUSIC ENTERTAINMENT	Gloria Estefan	Here We Are	Cuts Both Ways	107-742
Warner Bros. Records Inc.	Goo Goo Dolls	Iris	Dizzy Up the Girl	246-538
SONY BMG MUSIC ENTERTAINMENT	Journey	Faithfully	Frontiers	43-223
Arista Records LLC	Sarah McLachlan	Possession	Fumbling Towards Ecstasy	200-152
UMG Recordings, Inc.	Aerosmith	Cryin'	Get A Grip	153-061
UMG Recordings, Inc.	Godsmack	Moon Baby	Godsmack	241-879
Warner Bros. Records Inc.	Linkin Park	One Step Closer	Hybrid Theory	288-402
UMG Recordings, Inc.	Def Leppard	Pour Some Sugar on Me	Hysteria	90-420
UMG Recordings, Inc.	Reba McEntire	One Honest Heart	If You See Him	256-807
SONY BMG MUSIC ENTERTAINMENT	Gloria Estefan	Coming Out of the Dark	Into The Light	208-812
SONY BMG MUSIC ENTERTAINMENT	Gloria Estefan	Rhythm is Gonna Get You	Let It Loose	83-468
UMG Recordings, Inc.	Bryan Adams	Somebody	Reckless	58-024
Interscope Records	No Doubt	Bathwater	Return Of Saturn	279-727
Interscope Records	No Doubt	Hella Good	Rock Steady	305-872
UMG Recordings, Inc.	Sheryl Crow	Run, Baby, Run	Tuesday Night Music Club	209-823
UMG Recordings, Inc.	Guns N Roses	November Rain	Use Your Illusion I	134-647

EXHIBIT 2

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

<p>VIRGIN RECORDS AMERICA, INC., et al.,</p> <p>Plaintiffs,</p> <p>v.</p> <p>JAMMIE THOMAS,</p> <p>Defendant.</p>	<p>Case No. 06cv1497-MJD/RLE</p> <p>DEFENDANT'S RESPONSE TO PLAINTIFFS' FIRST SET OF REQUEST FOR ADMISSIONS</p>
---	--

TO: Plaintiffs and their counsel of record, Felicia J. Boyd, Kara L. Benson, Laura G. Coates, Faegre & Benson LLP, 2200 Wells Fargo Center, 90 South Seventh Street, Minneapolis, MN, 55402-3901

Pursuant to Federal Rule of Civil Procedure 36, Defendant Jammie Thomas responds to Plaintiffs' First Set of Request for Admissions as follows:

REQUEST FOR ADMISSION NO. 1:

Admit that YOU subscribed to the Internet service provided by SERVICE PROVIDER that connected the COMPUTER to the Internet as of February 21, 2005.

RESPONSE:

Admit

REQUEST FOR ADMISSION NO. 2:

Admit that YOU owned the COMPUTER as of February 21, 2005.

RESPONSE:

Admit

PLAINTIFFS' EXHIBIT A RECORDINGS on Exhibit A attached to the Complaint in this action, does own or control exclusive rights to the copyright in each such SOUND RECORDING next to which the Plaintiff is listed.

RESPONSE:

Defendant objects to this Request because it is calculated to require defendant to conduct an overly burdensome inquiry. Defendant has made a reasonable inquiry and the information known or readily obtainable by defendant is insufficient to admit or deny the request.

REQUEST FOR ADMISSION NO. 14:

Admit that YOU have no evidence to dispute that each Plaintiff listed as owning a copyright in one or more of PLAINTIFFS' EXHIBIT A RECORDINGS on Exhibit A attached to the Complaint in this action, does own or control exclusive rights to the copyright in each such SOUND RECORDING next to which the Plaintiff is listed.

RESPONSE:

Admit

REQUEST FOR ADMISSION NO. 15:

Admit that each of PLAINTIFFS' EXHIBIT A RECORDINGS was duly registered with the United States Copyright Office prior to the first date on which YOU downloaded or MADE AVAILABLE each such SOUND RECORDING.

RESPONSE:

Defendant objects to this Request because it is calculated to require defendant to conduct an overly burdensome inquiry. Defendant has made a reasonable inquiry and

the information known or readily obtainable by defendant is insufficient to admit or deny the request.

REQUEST FOR ADMISSION NO. 16:

Admit that YOU have no evidence to dispute that each of PLAINTIFFS' EXHIBIT A RECORDINGS were duly registered with the United States Copyright Office prior to the first date on which you downloaded or MADE AVAILABLE each such SOUND RECORDING.

RESPONSE:

Admit

REQUEST FOR ADMISSION NO. 17:

Admit that all of PLAINTIFFS' EXHIBIT A RECORDINGS bore United States copyright notices over the last three years prior to the filing of the Complaint in this case.

RESPONSE:

Defendant objects to this Request because it is calculated to require defendant to conduct an overly burdensome inquiry. Defendant has made a reasonable inquiry and the information known or readily obtainable by defendant is insufficient to admit or deny the request.

REQUEST FOR ADMISSION NO. 18:

Admit that YOU had access to copies of PLAINTIFFS' EXHIBIT A RECORDINGS, which bore United States copyright notices over the last three years prior to the filing of the Complaint in this case.

RESPONSE:

Deny

REQUEST FOR ADMISSION NO. 19:

Admit that each copyright registration for each sound recording identified in PLAINTIFFS' EXHIBIT A RECORDINGS is valid.

RESPONSE:

Defendant objects to this Request because it is calculated to require defendant to conduct an overly burdensome inquiry. Defendant has made a reasonable inquiry and the information known or readily obtainable by defendant is insufficient to admit or deny the request.

REQUEST FOR ADMISSION NO. 20:

Admit that YOU have no evidence to dispute that each copyright registration for each sound recording identified in PLAINTIFFS' EXHIBIT A RECORDINGS is valid.

RESPONSE:

Admit

REQUEST FOR ADMISSION NO. 21:

Admit that none of Plaintiffs have ever authorized YOU to copy or download any of PLAINTIFFS' EXHIBIT A RECORDINGS onto a computer hard drive.

RESPONSE:

Defendant objects to this request as being vague in that copying a cd to a hard drive implicates the Fair Use Doctrine which may or may not arguably be a form of

authorization by one or more plaintiffs.

REQUEST FOR ADMISSION NO. 22:

Admit that when YOU downloaded each of PLAINTIFFS' EXHIBIT A RECORDINGS onto THE COMPUTER, YOU willfully infringed the copyright in each sound recording.

RESPONSE:

Defendant objects to this request because it erroneously assumes defendant downloaded any recordings from Plaintiffs' Exhibit A. Deny.

REQUEST FOR ADMISSION NO. 23:

Admit that on or before the date of the filing of the Complaint in this action YOU MADE AVAILABLE PLAINTIFFS' EXHIBIT A RECORDINGS via an ONLINE MEDIA DISTRIBUTION SYSTEM.

RESPONSE:

Deny

REQUEST FOR ADMISSION NO. 24:

Admit that none of Plaintiffs ever has authorized YOU to MAKE AVAILABLE PLAINTIFFS' EXHIBIT A RECORDINGS to be downloaded or copied onto the --- computer hard drive of any other PERSON.

RESPONSE:

Admit

REQUEST FOR ADMISSION NO. 25:

Admit that after YOU received the Complaint in this action, YOU deleted some

the information known or readily obtainable by defendant is insufficient to admit or deny the request.

REQUEST FOR ADMISSION NO. 29:

Admit that YOU have no evidence to dispute that each sound recording identified in PLAINTIFFS' EXHIBIT A RECORDINGS is identical to corresponding sound recording registered with the United States Copyright Office.

RESPONSE:

Admit

REQUEST FOR ADMISSION NO. 30:

Admit that YOU have used "tereastarr" as an any part of an email address, instant messenger address, screen name, user name, alias or nickname.

RESPONSE:

Admit

Dated: September 18, 2006

CHESTNUT & CAMBRONNE, P.A.

By 

Brian N. Toder, #17869X
3700 Campbell Mithun Tower
222 South Ninth Street
Minneapolis, MN 55402
(612) 339-7300
Fax (612)336-2940

ATTORNEYS FOR DEFENDANT

EXHIBIT 3

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

VIRGIN RECORDS AMERICA,
INC., et al.,

Plaintiffs,

vs.

Case No. 06cv1497 (MJD/RLE)

JAMMIE THOMAS,

Defendant.

DEPOSITION

The following is the deposition of
JAMMIE THOMAS, taken before Jenelle K. Lundgren,
Notary Public, pursuant to Notice of Taking
Deposition, at 222 South Ninth Street, Minneapolis,
Minnesota, commencing at 1:00 p.m., Tuesday, May 1,
2007.

* * *

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1 APPEARANCES:
 2
 3 On Behalf of the Plaintiffs via telephone:
 4 Timothy Reynolds, Esquire
 5 HOLME ROBERTS & OWEN, LLP
 6 1700 Lincoln Street
 7 Suite 4100
 8 Denver, Colorado 80203-4541
 9 Phone: (303) 861-7000
 10 e-mail: timothy.reynolds@hro.com
 11
 12 On Behalf of the Defendant:
 13 Brian Toder, Esquire
 14 CHESTNUT & CAMBRONNE
 15 222 South Ninth Street
 16 3700 Campbell Mithun Tower
 17 Minneapolis, Minnesota 55402
 18 Phone: (612) 339-7300
 19 e-mail: btoder@chestnutcambronne.com
 20
 21 Also Present:
 22 Eric Stanley
 23
 24
 25

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1
 2 PROCEEDINGS
 3 Whereupon, the deposition of JAMMIE THOMAS was
 4 commenced at 1:12 p.m. as follows:
 5
 6 JAMMIE THOMAS,
 7 after having been first duly sworn,
 8 deposes and says under oath as follows:
 9 ***
 10 EXAMINATION
 11 BY MR. REYNOLDS:
 12 Q. Good afternoon, Ms. Thomas. My name is
 13 Tim Reynolds, and we met once before at the first
 14 portion of your deposition; that's right?
 15 A. I believe so. I'm not sure. I don't
 16 remember your names from the first deposition, so.
 17 Q. Okay. Well, I am the attorney who took
 18 the first portion of your deposition back in March,
 19 and we're here today for the continuation of your
 20 deposition. Are you ready to proceed?
 21 A. Yes.
 22 Q. And I just want to refresh your memory
 23 about some of the things that we can do to make the
 24 deposition go more smoothly. And if you -- as I
 25 indicated earlier, it's very important that you

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1 DEPOSITION REFERENCE INDEX
 2
 3 EXAMINATION:
 4 By Mr. Reynolds: 4
 5
 6 OBJECTIONS:
 7 By Mr. Toder: 220, 250, 259
 8
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 12 Plaintiffs' First Set of
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 24 EXHIBIT 24, REFERENCED, Printout of Screen.....232
 25 EXHIBIT 25, REFERENCED, Printout of Screen.....233

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1 understand my questions, and so I ask if you don't
 2 understand the questioning, will you please let me
 3 know?
 4 A. Yes.
 5 Q. Also, if you don't hear one of my
 6 questions, will you please let me know that, too?
 7 A. Yes.
 8 Q. And because the court reporter is
 9 taking down everything we say, and especially because
 10 we're on the telephone, it's very important that we
 11 don't talk over one another. So I will let you finish
 12 your answers before I ask my next question, and I
 13 would ask that you please let me finish my question
 14 before answering. Okay?
 15 A. Yes.
 16 Q. It's also very important that you
 17 answer verbally using yes or no or whatever as opposed
 18 to saying uh-huh or huh-uh or gesturing. Okay?
 19 A. Yes.
 20 Q. And you understand that you're
 21 testifying under oath today?
 22 A. Yes.
 23 Q. And you understand you're testifying
 24 under oath just as you did in your first deposition?
 25 A. Yes.

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1 No. 14 on page 5? Do you have that in front of you?
 2 A. Request for admission, just a second.
 3 Okay. No. 14, yes.
 4 Q. Okay. It says, "Admit that you have no
 5 evidence to dispute that each plaintiff listed as
 6 owning a copyright in one or more of plaintiffs'
 7 Exhibit A recordings on Exhibit A attached to the
 8 complaint in this action does own or control exclusive
 9 rights to the copyright in each sound recording next
 10 to which the plaintiff is listed," and your response
 11 is that you had to admit this statement; correct?
 12 A. That's correct.
 13 Q. And I would like to ask you the same
 14 question with respect to Exhibit 14, Deposition
 15 Exhibit 14. Do you admit that you have no evidence to
 16 dispute that each plaintiff listed as owning a
 17 copyright in one or more of the sound recordings
 18 listed on Schedule 1 does actually own or control
 19 exclusive rights to the copyright in each one of those
 20 sound recordings?
 21 A. I admit I have no evidence to dispute
 22 it.
 23 Q. If you could to turn to request for
 24 admission 16 on page 6?
 25 A. Yes.

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1 Q. This question asks you to "admit that
 2 you have no evidence to dispute that each of
 3 plaintiffs' Exhibit A recordings were duly registered
 4 with the United States Copyright Office prior to the
 5 first date on which you downloaded or made available
 6 each sound recording," and you admit this response.
 7 Do you see that? I'm sorry, did you --
 8 MR. TODER: We need to confer a second
 9 here.
 10 MR. REYNOLDS: Sure.
 11 MR. TODER: Go ahead and clarify your
 12 answer.
 13 THE DEPONENT: For admission No. 16, I
 14 admit that I don't have any evidence to dispute that
 15 plaintiffs' Exhibit A recordings were duly registered
 16 with the United States Copyright Office, but I do not
 17 admit that I downloaded or made available any of those
 18 sound recordings.
 19 (Mr. Stanley entered the room.)
 20 BY MR. REYNOLDS:
 21 Q. Okay. Do you also admit that you have
 22 no evidence to dispute that each of plaintiffs'
 23 Schedule 1 recordings were duly registered with the
 24 United States Copyright Office?
 25 A. I admit I have no evidence to dispute

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1 that.
 2 Q. Okay. And can we agree then, putting a
 3 time frame on it, that you would admit that you have
 4 no evidence to dispute that the sound recordings --
 5 that each of plaintiffs' sound recordings on Schedule
 6 1 and Exhibit A were duly registered with the
 7 copyright office more than three years before the
 8 complaint was filed?
 9 A. I do admit that I have no evidence to
 10 dispute that.
 11 Q. If you could turn to request for
 12 admission No. 20 on page 7?
 13 A. Yes.
 14 Q. Is says, "Admit that you have no
 15 evidence to dispute that each copyright registration
 16 for each sound recording identified in plaintiffs'
 17 Exhibit A recordings is valid," and you admit that;
 18 correct?
 19 A. Yes.
 20 Q. You also make the same admission with
 21 respect to the Schedule 1 recordings?
 22 A. Yes.
 23 Q. And request for admission No. 24 on
 24 page 8 --
 25 A. Yes.

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1 Q. -- it says, "admit that none of
 2 plaintiffs ever has authorized you to make available
 3 plaintiffs' Exhibit A recordings to be downloaded or
 4 copied onto the computer hard drive of any other
 5 person," and you admit that. Do you see that?
 6 A. Yes.
 7 Q. And do you make the same admission that
 8 plaintiffs had never authorized you to make available
 9 plaintiffs' Schedule 1 recordings?
 10 A. Yes.
 11 Q. And then request for admission No. 29
 12 on page 10?
 13 A. Yes.
 14 Q. It says, "Admit that you have no
 15 evidence to dispute that each sound recording
 16 identified in plaintiffs' Exhibit A recordings is
 17 identical to corresponding sound recordings registered
 18 with the United States Copyright Office," and you
 19 admit that. Do you see that?
 20 A. Yes.
 21 Q. Do you make the same admission, that
 22 you have no evidence to dispute that each sound
 23 recording identified in Schedule 1 is identical to the
 24 corresponding sound recording registered with the
 25 United States Copyright Office?

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1 questions at this time.
 2 THE DEPONENT: I just have one question
 3 for you. During my last deposition, after we were off
 4 the record, did I not give you Justin's phone number?
 5 MR. REYNOLDS: Yes, you did. We have
 6 contacted Mr. Gervais, but we don't have his address.
 7 MR. TODER: He won't give it to you?
 8 MR. REYNOLDS: That's my understanding.
 9 We have not been able to contact him.
 10 THE COURT REPORTER: Do you want this
 11 on the record?
 12 MR. TODER: That's okay.
 13 MR. REYNOLDS: I don't think we need to
 14 be on the record.
 15 (Whereupon, the deposition of JAMMIE
 16 THOMAS was concluded at 2:53 p.m.)
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1 STATE OF MINNESOTA)
)ss. CERTIFICATE
 2 COUNTY OF RAMSEY)
 3 BE IT KNOWN that I, Jenelle Lundgren, took the
 4 foregoing deposition of JAMMIE THOMAS;
 5 That the witness, before testifying, was by me
 6 first duly sworn to testify the whole truth and
 7 nothing but the truth relative to said cause;
 8 That the testimony of said witness was recorded
 9 in shorthand by me and was reduced to typewriting
 10 under my direction;
 11 That the foregoing deposition is a true record of
 12 the testimony given by said witness;
 13 That the reading and signing of the foregoing
 14 deposition by the said witness were not waived by the
 15 witness and respective counsel;
 16 That I am not related to any of the parties
 17 hereto, nor an employee of them, nor interested in the
 18 outcome of the action;
 19 That the cost of the original has been charged to
 20 the party who noticed the deposition, and that all
 21 parties who ordered copies have been charged at the
 22 same rate for such copies;
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**SCHEDULE 1
THOMAS, JAMMIE (MN)**

Copyright Plaintiff	Artist	Song Title	Album Title	SR
UMG Recordings, Inc.	Guns N Roses	Welcome to the Jungle	Appelite for Destruction	85-358
UMG Recordings, Inc.	Vanessa Williams	Save the Best for Last	Comfort Zone	141-365
UMG Recordings, Inc.	Janet Jackson	Let's Wait Awhile	Control	69-529
SONY BMG MUSIC ENTERTAINMENT	Gloria Estefan	Here We Are	Cuts Both Ways	107-742
Wamer Bros. Records Inc.	Goo Goo Dolls	Iris	Dizzy Up the Girl	246-538
SONY BMG MUSIC ENTERTAINMENT	Journey	Faithfully	Frontiers	43-223
Arista Records LLC	Sarah McLachlan	Possession	Fumbling Towards Ecstasy	200-152
UMG Recordings, Inc.	Aerosmith	Cryin'	Get A Grip	153-061
UMG Recordings, Inc.	Godsmack	Moon Baby	Godsmack	241-879
Wamer Bros. Records Inc.	Linkin Park	One Step Closer	Hybrid Theory	288-402
UMG Recordings, Inc.	Def Leppard	Pour Some Sugar on Me	Hysteria	90-420
UMG Recordings, Inc.	Reba McEntire	One Honest Heart	If You See Him	256-807
SONY BMG MUSIC ENTERTAINMENT	Gloria Estefan	Coming Out of the Dark	Into The Light	208-812
SONY BMG MUSIC ENTERTAINMENT	Gloria Estefan	Rhythm is Gonna Get You	Let It Loose	83-468
UMG Recordings, Inc.	Bryan Adams	Somebody	Reckless	58-024
Interscope Records	No Doubt	Bathwater	Return Of Saturn	279-727
Interscope Records	No Doubt	Hella Good	Rock Steady	305-872
UMG Recordings, Inc.	Sheryl Crow	Run, Baby, Run	Tuesday Night Music Club	209-823
UMG Recordings, Inc.	Guns N Roses	November Rain	Use Your Illusion I	134-647

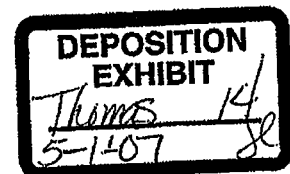


EXHIBIT 4

-----Original Message-----

From: Brian Toder [mailto:btoder@chestnutcambronne.com]

Sent: Thursday, August 09, 2007 8:36 AM

To: Timothy M Reynolds

Cc: jammet@millelacsojibwe.nsn.us

Subject: Virgin Records v. Thomas

Tim,

I spoke to my client and sent her the draft stipulation. Her response is that we can so stipulate provided we have your written assurances that plaintiffs will not bring any summary judgment motions in this case.

Brian