

**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)

**TODER DECLARATION  
IN OPPOSITION**

Brian N. Toder declares as follows:

1. I am counsel to defendant above-named, and this is my declaration.
2. This Declaration is offered in opposition to Plaintiffs' Motion in Limine to Exclude Evidence Disputing Admitted Facts (Dkt. 68), and it is also offered in support of Defendant's Motion in Limine to Preclude the Admission of Plaintiffs' Trial Exhibit 4 Pursuant to Rules 26 and 37.
3. All representations made by me in Defendant's Response to Plaintiffs' Motion in Limine to Exclude Evidence Disputing Admitted Facts are true and correct to the best of my knowledge and belief.

4. Attached hereto as Exhibit 1 is a true and correct photocopy of Plaintiffs' Responses to Defendant's Interrogatories.
5. Attached hereto as Exhibit 2 is a true and correct photocopy of Plaintiffs' Response to Defendant's Requests for Admission.
6. Attached hereto as Exhibit 3 is a true and correct photocopy of Plaintiffs' Responses to Defendant's Requests for Production of Documents.
7. Attached hereto as Exhibit 4 are true and correct photocopies of certain Certificates of Copyright, the only documents plaintiffs produced in the entire course of discovery that purport to establish the ownership of each plaintiff in one or more copyrights that is the subject of the above-entitled litigation.  
  
These documents are Bates stamped Thomas, J (MN) 016 to 031 and 570 to 608.

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 24th day of September, 2007 in Minneapolis, Minnesota.

Dated: September 24, 2007

s/ Brian N. Toder  
Brian N. Toder, #17869X  
Chestnut & Cambronne, P.A.  
3700 Campbell Mithun Tower  
222 South Ninth Street  
Minneapolis, MN 55402  
(651) 653-0990

**Attorneys for Defendant**