

**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

**DECLARATION OF
TIMOTHY M. REYNOLDS IN
SUPPORT OF PLAINTIFFS' MOTION
IN LIMINE TO PRECLUDE
DEFENDANT FROM MAKING
UNFOUNDED, PREJUDICIAL
STATEMENTS TO THE JURY**

I, Timothy M. Reynolds, declare:

1. I am a partner with the law firm of Holme Roberts & Owen LLP, counsel to Plaintiffs in this matter and national counsel to the plaintiff record companies in lawsuits similar to this one. I make the statements in this declaration based upon my personal knowledge and I am competent to testify regarding any matters set forth herein.

2. In Defendant's Statement of the Case, Defendant accuses Plaintiffs of "follow[ing] the motto usually attributed to Soldier of Fortune magazine: 'Kill them all; let God sort them out.'" Defendant also accuses Plaintiffs of selecting defendants that "are typically lower income" when pursuing similar claims of copyright infringement. Neither accusation has any basis in fact. Plaintiffs do not "follow the motto usually attributed to Soldier of Fortune

magazine: ‘Kill them all; let God sort them out,’” and do not select lower income defendants when pursuing similar claims of copyright infringement.

3. After Defendant filed her Statement of the Case, I sent Defendant’s counsel two email inquiries asking whether Defendant intended to make similar statements to the jury and, if so, to provide the claimed basis for such accusations. In an effort to avoid filing a motion in limine, I also requested that Defendant’s counsel confirm in writing that he did not intend to make such statements to the jury. Defendant’s counsel neither confirmed his intent nor provided any basis for the accusations in Defendant’s Statement of the Case.

I declare under penalty of perjury and the laws of the United States of America that the foregoing is true and correct.

Dated this 24th day of September 2007.

s/ Timothy M. Reynolds
Timothy M. Reynolds