

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 IN  
**OPPOSITION TO PLAINTIFFS'**  
MOTION IN LIMINE TO PRECLUDE  
DEFENDANT FROM MAKING  
UNFOUNDED PREJUDICIAL  
STATEMENTS TO THE JURY  
(DOCKET NO. 82)

Brian N. Toder declares as follows:

1. I am counsel to defendant above-named, and this is my declaration.
2. Attached hereto as Exhibit A is a true and correct photocopy of a summary of an article authored by Anders Bylund, dated September 24, 2007, in the "Motley Fool," a well-respected internet investment website identified as <http://www.fool.com>.
3. Attached hereto as Exhibit B is the entire article.

4. This article is typical of hundreds of articles that appear in various forms that are probative of the fact that plaintiffs in the above-entitled matter use a shotgun approach and carelessly target potential defendants.

5. Accordingly, defendant opposes plaintiffs' Motion, however, defendant will not represent to the jury that "plaintiffs selection of defendants are typically lower income."

6. With respect to the other statement deemed prejudicial by plaintiffs, defendant has no intention of making that statement or any other statement unless there will be evidence at trial to support the same.

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 25th day of September, 2007 in Minneapolis, Minnesota.

Dated: September 25, 2007

CHESTNUT & CAMBRONNE, P.A.

By /s/ Brian N. Toder  
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