

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA**

CIVIL TRIAL

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| Virgin Records America, et al. |) | COURT MINUTES |
| <i>a California Corporation,</i> |) | BEFORE: Michael J. Davis |
| |) | U.S. District Judge |
| Plaintiffs, |) | |
| |) | Case No: 06-cv-1497 (MJD/RLE) |
| v. |) | Date: October 3, 2007 |
| |) | Court Reporter: Lori Simpson |
| Jammie Thomas, |) | Time Commenced: 9:00 a.m. - 10:15 a.m. |
| |) | 10:45 a.m. - 12:30 p.m. |
| Defendant. |) | 1:30 p.m. - 3:15 p.m. |
| |) | 3:30 p.m. - 4:30 p.m. |
| |) | 4:40 p.m. - 5:30 p.m. |
| |) | Time Concluded: 5:30 p.m. |
| |) | Time in Court: 6 Hours and 35 Minutes |

APPEARANCES:

Plaintiff: Richard Gabriel and Timothy Reynolds- Holme, Roberts, & Owen, LLP
 Defendant: Brian Toder - Chestnut and Cambronne, PA

PROCEEDINGS:

- Plaintiff Dismisses claims on the following songs: GodSmack - Spiral and Godsmack - Moon Baby. (by UMG Recordings, Inc.) Janet Jackson - Back (by Virgin Records America, Inc.)
- Defendant's Motion to Preclude Cary Sherman, President of the Recording Industry of America, from testifying in the trial is GRANTED.
- Trial Held.
- Trial continued to October 4, 2007.
- Plaintiff's witnesses: Doug Jacobson continued, Kevin Havemeir, Ryan Changanki, Eric Stanley, Jammie Thomas, JoAn Cho, Betsy Brown, and Christopher Bavitz
- Plaintiff Rests
- Defendant Rests
- Review of Jury Instructions and Special Verdict Form

Date: October 3, 2007

s/KW
 Calendar Clerk to Judge Michael J. Davis