

EXHIBIT C

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.

* * *

1 APPEARANCES:

2 On Behalf of the Plaintiffs via telephone:

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10 On Behalf of the Defendant:

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18 Also Present:

19 Eric Stanley
20
21
22
23
24
25

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

11 EXAMINATION

12 BY MR. REYNOLDS:

13 Q. Good afternoon, Ms. Thomas. My name is
14 Tim Reynolds, and we met once before at the first
15 portion of your deposition; that's right?

16 A. I believe so. I'm not sure. I don't
17 remember your names from the first deposition, so.

18 Q. Okay. Well, I am the attorney who took
19 the first portion of your deposition back in March,
20 and we're here today for the continuation of your
21 deposition. Are you ready to proceed?

22 A. Yes.

23 Q. And I just want to refresh your memory
24 about some of the things that we can do to make the
25 deposition go more smoothly. And if you -- as I
indicated earlier, it's very important that you

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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.

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.

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.

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

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?