

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ARISTA RECORDS LLC; ATLANTIC
RECORDING CORPORATION; BMG MUSIC;
CAPITOL RECORDS, INC.; ELEKTRA
ENTERTAINMENT GROUP INC.; INTERSCOPE
RECORDS; LAFACE RECORDS LLC;
MOTOWN RECORD COMPANY, L.P.;
PRIORITY RECORDS LLC; SONY BMG MUSIC
ENTERTAINMENT; UMG RECORDINGS, INC.,
VIRGIN RECORDS AMERICA, INC.; and
WARNER BROS. RECORDS INC.,

Plaintiffs,

v.

LIME WIRE LLC; LIME GROUP LLC; MARK
GORTON; and GREG BILDSON,

Defendants.

CIVIL ACTION NO. 06 CV.
5936 (GEL)

I, Terry McBride, hereby declare:

1. I am the Chief Executive Officer (“CEO”) and founder of Nettwerk Music Group (“Nettwerk”). Founded in 1984 in my apartment, Nettwerk is now the largest independent record label in Canada. Nettwerk manages artists and producers, such as Avril Lavigne, Sarah McLachlan, Dido and the Barenaked Ladies.

2. In 2006, Nettwerk entered into an agreement with StreamCast Networks, Inc., a developer and distributor of file-sharing software, to have Nettwerk’s artists’ music distributed over peer-to-peer (“P2P”) networks. Using P2P technology, Nettwerk was able to promote its artists’ new music by expanding their digital media reach. New music by artists such as The Weepies, Barenaked Ladies and The Submarines were all distributed using P2P technology.

3. The artists that use P2P technology to distribute their music benefit in several ways from the technology. P2P provides artists a great deal of exposure. Consumers who would not otherwise have known about the artist gain exposure to the artist’s music. Consumers also have a chance to sample the artist’s music, which may lead the consumer to purchase the music or attend a live concert.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration is executed on July ____, 2008.

Terry McBride 