

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 GROUP LLC; LIME WIRE LLC; MARK
GORTON; and GREG BILDSON, and M.J.G.
LIME WIRE FAMILY LIMITED
PARTNERSHIP

Defendants.

ECF Case

06 CV 5936 (GEL)

**DECLARATION OF CHARLES S. BAKER IN SUPPORT OF
DEFENDANTS' REPLY IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT**

I, Charles S. Baker, the undersigned, hereby declare as follows:

1. My name is Charles S. Baker. I am over eighteen years of age, of sound mind, and in all ways qualified and competent to make this declaration. I have personal knowledge of the facts contained in this declaration and they are true and correct.

2. I am licensed to practice law in the State of Texas and am admitted *pro hac vice* as an attorney-in-charge for Defendants in this case. I am a partner in the law firm of Porter & Hedges, L.L.P., located in Houston, Texas. I am the attorney-in-charge for Defendants Lime

Wire LLC, Lime Group, LLC, Mark Gorton and M.J.G. Lime Wire Family Limited Partnership in this litigation.

3. Attached as Exhibit A hereto are true and correct copies of excerpts of the Deposition of Ellis Horowitz PhD taken on June 10, 2008.

4. Attached as Exhibit B hereto are true and correct copies of excerpts of the Deposition of Mark Gorton taken on April 14, 2008.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that this declaration is executed in Houston, Texas on November 7, 2008.



Charles S. Baker