

# **KEMPE DECLARATION**

**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; GREG BILDSON; and M.J.G. LIME WIRE FAMILY LIMITED PARTNERSHIP,**

**Defendants,**

**ECF CASE**

**06 Civ. 05936 (GEL)**

**DECLARATION OF ANDREW KEMPE IN OPPOSITION TO DEFENDANTS' MOTION TO EXCLUDE THE DECLARATIONS OF THOMAS SEHESTED, ANDREW KEMPE, AND KATHERYN COGGON FOR PLAINTIFFS' FAILURE TO DISCLOSE FACTUAL WITNESSES AND IN FURTHER SUPPORT OF PLAINTIFFS' MOTION FOR PARTIAL SUMMARY JUDGMENT**

I, **ANDREW KEMPE**, hereby declare as follows:

1. I am the Manager of Technical Account Services for the MediaSentry business unit of Safenet, Inc., formerly MediaSentry, Inc. ("MediaSentry"). I have personal knowledge of the following facts and, if called and sworn as a witness, could competently testify thereto.

2. MediaSentry has been engaged by the Recording Industry Association of America (“RIAA”) since 2004 to monitor numerous P2P clients across a number of networks, one of which is LimeWire, for use in anti-piracy litigation.

3. With respect to this case in particular, MediaSentry assisted plaintiffs in gathering evidence as to whether copies of plaintiffs’ sound recordings (“files”) at issue are being shared by LimeWire users by searching the results yielded by our ongoing monitoring efforts (since 2004) and providing plaintiffs those files included on Attachment A that were downloaded, with identical hashes, from at least two different LimeWire users.

I declare under penalty of perjury that the foregoing is true and correct.

December 3, 2008

  
\_\_\_\_\_  
Andrew Kempe