

SEHESTED 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 THOMAS SEHESTED 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, THOMAS SEHESTED, hereby declare as follows:

1. I am the co-founder and Chief Executive Officer of DtecNet Software ApS ("DtecNet"). I have personal knowledge of the following facts and, if called and sworn as a witness, could competently testify thereto.

2. DtecNet was engaged by the Recording Industry Association of America ("RIAA") on behalf of the plaintiffs in this case after July 18, 2008 to assist in gathering

evidence as to whether copies of the thirty sound recordings (“files”) listed in Attachment A to Plaintiffs’ Statement of Undisputed Material Facts, dated July 18, 2008 (“Attachment A”), are being shared by LimeWire users.

3. Attached as an Exhibit to my September 9, 2008 declaration was a spreadsheet showing the dates on which DtecNet used Phex, a peer-to-peer client publicly available for download at <http://www.phex.org>, and Bearshare, a peer-to-peer client publicly available for download at <http://www.bearshare.com>, to download copies with identical hashes of each of the files in Attachment A from two different LimeWire users.¹ Due to a corrupted data file, DtecNet re-performed this task. Exhibit A to this declaration is an updated spreadsheet presenting the dates on which DtecNet downloaded copies with identical hashes of each of the files in Attachment A from two different LimeWire users. Exhibit B to this declaration is a CD containing a copy of a sound recording matching each hash provided in Attachment A.

4. DtecNet used Wireshark, a packet capture client publicly available for download at <http://www.wireshark.org>, to document the transfer of those files from the LimeWire user to the DtecNet computer, thus, confirming that the file was downloaded from a LimeWire user. During the transfer of each file in Attachment A, DtecNet utilized Wireshark to “capture” all the data packets transferred between DtecNet’s computer and the P2P user. These “packet capture” or “.pcap” files contain all the data

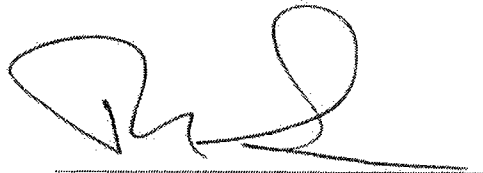
¹ As I stated in my September 9, 2008 declaration, if two files have the same hash, they are identical. The probability of two files, not directly copied from one another, having the same SHA-1 hash (the kind of hash used by LimeWire and DtecNet) is 2^{63} . (See <http://www.rsa.com/rsalabs/node.asp?id=2927>; <http://blogs.zdnet.com/Ou/?p=409>.) Thus, if two LimeWire users possess a file with identical hashes, one user’s file is a copy of the other. (See Sehested 09/09/08 Decl. ¶ 5.)

about the transfer, including the user's IP address and proof that the user transferred the file using a LimeWire P2P client. In addition, the ".pcap" files contain information about the audio file name, the file hash and the date and time the file was downloaded.

Exhibit C to this declaration contains a screen-shot example of a ".pcap" file. At the request of plaintiffs, I have reviewed each of the ".pcap" files and I confirm that those files indicate that each of the files downloaded by DtecNet (files with identical hashes to each of the files in Attachment A) were transferred from two different LimeWire users.

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

December 3, 2008



Thomas Sehested