

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.

06 Civ. 05936 (KMW)
ECF CASE

**DECLARATION OF JILLIAN SONG IN SUPPORT OF PLAINTIFF'S MOTION FOR A
PERMANENT INJUNCTION**

I, Jillian Song, the undersigned, hereby declare as follows:

1. My name is Jillian Song. I am over eighteen years of age, of sound mind, and in all ways qualified and competent to make this declaration. Except for those matters stated on information and belief, I have personal knowledge of the facts contained in this declaration. If called as a witness in this action, I could and would testify competently to the contents of this declaration.

2. I am employed by the law firm of Munger, Tolles & Olson LLP, counsel to Plaintiffs, as a litigation support specialist. Starting on May 18, 2010, I coordinated a team of

individuals employed by Munger, Tolles & Olson LLP to determine whether the Lime Wire client software could be used to download certain sound recordings. The first part of this search involved a list of 70 recordings, comprised of the recordings on Billboard Magazine's chart of the "Top 40 Mainstream Pop" hits for the issue dated May 22, 2010 (obtained from Billboard Magazine's website on May 18, 2010), plus the 30 recordings that I am informed and believe served as the basis for the Court's liability finding in the summary judgment Order. The attached Exhibit 1 lists the 70 recordings that were part of this initial search.

3. On May 18, 2010, I visited the website <http://www.limewire.com> and clicked on the available link for "Get LimeWire Basic." I downloaded and installed the LimeWire Basic software.

4. On May 18 and 19, 2010, I used the Lime Wire Basic software to search for the 70 recordings listed on the attached Exhibit 1. I saved a screenshot of the search results obtained for each song. I also used the Lime Wire Basic software to download an MP3 of each song to a computer hard drive. True and correct copies of the screenshots from these searches are attached as Exhibit 2.

5. Individuals working at my direction thereafter utilized the same procedure to conduct a broader search for an additional 200 recordings. The lists of these 200 recordings came from the Top 40 on the Billboard chart for 2008, the Top 40 from 2009, as well as the current Top 40 for the Country, Rock and Latin Pop genres. Lists of those 200 recordings are attached as Exhibit 3.


6. The individuals working at my direction located copies of each of the recordings listed on the attached Exhibit 3 using the Lime Wire client software. Screenshots of the search results are included in Exhibit 2. Using the Lime Wire client software, the individuals assisting

me in this second phase of the search obtained downloads of MP3 files corresponding to every title on the lists attached as Exhibit 3.

7. Either I or someone working at my direction listened to each of the MP3 files that were downloaded through the LimeWire software. We confirmed that these files contained copies of each of the 270 recordings listed on Exhibits 1 and 3. Plaintiffs will separately seek leave from the Court to submit in CD or DVD format the MP3 files downloaded through LimeWire.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: June 4, 2010
Los Angeles, CA



Jillian Song