

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 KELLY M. KLAUS IN SUPPORT OF PLAINTIFFS' MOTION
FOR A PRELIMINARY INJUNCTION FREEZING DEFENDANTS' ASSETS**

I, Kelly M. Klaus, hereby declare as follows:

1. I am a partner in the law firm of Munger, Tolles & Olson LLP, counsel of record for Plaintiffs. I make this Declaration in support of Plaintiffs' Motion for a Preliminary Injunction Freezing Defendants' Assets. The contents of this Declaration are based upon my own personal knowledge, and if called upon to do so, I could and would testify competently to the matters stated herein.

2. Attached as Exhibit 1 is a true and correct copy of the Preliminary Injunction Against Defendants Usenet.com, Inc. and Gerald Reynolds to Preserve Assets and Order to

Show Cause Re Appointment of Receiver filed in *Arista Records LLC v. Usenet.com, Inc.*, No. 07-civ-8822 (HB) (Doc. No. 255) (S.D.N.Y. Aug. 19, 2009).

3. Attached as Exhibit 2 is a true and correct copy of the Amended Report and Recommendation filed in *Arista Records LLC v. Usenet.com, Inc.*, No. 07-civ-8822 (HB) (Doc. No. 306) (S.D.N.Y. Feb. 2, 2010).

4. Attached as Exhibit 3 is a true and correct copy of the docket entry of the Final Judgment and Order entered in *UMG Recordings, Inc. v. MP3.com, Inc.*, No. 00 CV 472 (Doc. No. 162) (S.D.N.Y. Nov. 16, 2000).

5. Attached as Exhibit 4 is a true and correct copy of excerpts from the Transcript of the Deposition of Mark Gorton on April 14, 2008.

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

Dated: June 7, 2010
Los Angeles, CA

/s/ Kelly M. Klaus
Kelly M. Klaus