

June 10, 2010

VIA FACSIMILE

The Honorable Kimba M. Wood
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: *Arista Records LLC et al. v. Lime Wire LLC et al.*
No. 06 Civ. 5936 (KMW)

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DOC #:
DATE FILED: 6/16/10

MEMO ENDORSED

Dear Judge Wood:

We represent the defendants in the above-referenced action. We write pursuant to Your Honor's Individual Rules of Practice No. 1E, to request an extension of two weeks (to July 7, 2010) to respond to plaintiffs' motion to freeze assets, which opposition is currently due on June 23, 2010. As set forth below, the current schedule would have us submitting four major briefs in the span of 48 hours. As new counsel to this matter, such a schedule would truly work an unfairness to defendants, and would run counter to plaintiffs' counsel's assurances given in Court that plaintiffs would work with us to avoid just such scheduling difficulties. This is defendants' first request for an extension of time in which to file these papers.

As Your Honor will recall, at the conference on June 7, 2010, defendants' counsel requested a two-week extension of time to respond to plaintiffs' motion for a permanent injunction. That request was made because of the importance of that motion and the fact that defendants' counsel is new to the case. Plaintiffs' counsel opposed our request and stated: "I know that there's a lot going on in this case, and we would be willing to work with them to adjust certain schedules, but the one schedule we would ask your Honor to hold to, if possible, is to require the briefing on the injunction motion to go in accordance with the -- with the local rules." (Tr. at 25:8-25:13). Following counsel's assurances, Your Honor denied defendants' requested extension. As a result, defendants are working diligently to prepare their papers in opposition to the motion for an injunction, which papers are to be filed on June 21.

In addition to our opposition to the motion for a permanent injunction, defendants' reply papers in connection with their motions for reconsideration are now due June 23, 2010. These papers were originally due on June 16, 2010. Defendants requested a two-extension until June 30, 2010 in light of plaintiffs' representations in court, but plaintiffs consented to extend defendants' time by only one week. *Granted. Kmw

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The final motion before the Court is plaintiffs' motion to freeze assets. With respect to this motion, plaintiffs have refused any extension because of a claimed concern that assets might be dissipated during the period of the extension. This claimed fear is illusory, however. Your Honor's decision regarding liability was issued over four weeks ago. Without an extension, there would still be nearly three weeks before the motion was fully briefed. Therefore, if defendants were intent on dissipating assets, which they are not, they already have had ample time to do so. An additional two weeks will certainly not expose plaintiffs to any genuine additional risk. Moreover, the requested extensions would be in the interests of justice. Without the extensions, defense counsel will be at a severe disadvantage if required to prepare and submit the opposition to plaintiffs' motion for a permanent injunction on June 21st, two reply briefs in connection with defendants' motions for reconsideration on June 23rd, and the opposition to plaintiffs' motion to freeze assets also on June 23rd. Notwithstanding the Court's decision regarding liability, the stakes are still very high for defendants, and they should be given a reasonable amount of time to prepare these very important papers.

For the foregoing reasons, defendants respectfully request that the Court extend the date for the submission of defendants' opposition to plaintiffs' motion for an asset freeze by two-weeks, to July 7, 2010. Plaintiffs have asked us to alert the Court that they will be submitting a response to this letter within 24 hours.

* Defendants' opposition to
motion for preliminary injunction
as to freezing of assets is
due no later than June 30,
2010. Plaintiffs' reply shall
be submitted no later than

Respectfully submitted,

WILSON SONSINI GOODRICH & ROSATI, P.C.

Michael S. Sommer (dy)

July 7, 2010. Reply to motion for
reconsideration due June 23, 2010

cc: Glenn D. Pomerantz, Esq.
Robert W. Clarida, Esq.

SO ORDERED: 6-15-10

Kimba M. Wood

KIMBA M. WOOD
U. S. D. J.