

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.,

06 Civ. 05936 (KMW)
ECF CASE

Plaintiffs,

v.

LIME WIRE LLC; LIME GROUP LLC; MARK GORTON; GREG BILDSON; and M.J.G. LIME WIRE FAMILY LIMITED PARTNERSHIP,

Defendants.

**DECLARATION OF KELLY M. KLAUS IN SUPPORT OF PLAINTIFFS' MOTION
FOR PERMANENT INJUNCTION**

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 Permanent Injunction ("Motion"). 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 Permanent Injunction Against Defendant Gerald Reynolds filed in *Arista Records LLC v. Usenet.com, Inc.*, No. 07-civ-8822 (HB) (Doc. No. 284) (S.D.N.Y. Oct. 8, 2009).

3. Attached as Exhibit 2 is a true and correct copy of the Order Granting Plaintiffs' Motion for Permanent Injunction filed in *Columbia Pictures Indus., Inc. v. Fung*, No. CV 06-5578 SVW (JCx) (Doc. No. 426) (C.D. Cal. May 20, 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 a document marked as Plaintiffs' Deposition Exhibit 625 at Mark Gorton's deposition on April 15, 2008.

6. Attached as Exhibit 5 is a true and correct copy of a document marked as Plaintiffs' Deposition Exhibit 640 at Mark Gorton's deposition on April 15, 2008.

7. Attached as Exhibit 6 is a true and correct copy of a *New York Times* article, "Sharing Cultures Likely to Pause but Not Wither," dated June 28, 2005.

8. Attached as Exhibit 7 is a true and correct copy of a printout from the website download.com, listing the total number of downloads of the Lime Wire client software from download.com as of June 2, 2010.

9. Attached as Exhibit 8 is a true and correct copy of an Arstechnica.com article, "LimeWire sliced by RIAA, liable for massive infringement."

10. Attached as Exhibit 9 is a true and correct copy of a Billboard Magazine "Q&A, LimeWire CEO George Searle," dated May 21, 2010.

11. Attached as Exhibit 10 is a true and correct copy of a *New York Times* article, "Idea Man of LimeWire at a Crossroads," dated May 23, 2010.

12. Attached as Exhibit 11 is a true and correct copy of an excerpt of the transcript from a December 7, 2007 hearing in this case.

13. Attached as Exhibit 12 is a true and correct copy of a letter with attached Schedule A from Teena-Ann Sankoorikal to Joseph Cohen, dated January 31, 2008.

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

Dated: June 4, 2010
Los Angeles, CA

/s/ Kelly M. Klaus

Kelly M. Klaus