

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ARISTA RECORDS LLC; ATLANTIC
RECORDING CORPORATION; ARISTA
MUSIC, fka BMG MUSIC; CAPITOL
RECORDS, INC.; ELEKTRA
ENTERTAINMENT GROUP INC.;
INTERSCOPE RECORDS; LAFACE
RECORDS LLC; MOTOWN RECORD
COMPANY, L.P.; PRIORITY RECORDS LLC;
SONY MUSIC ENTERTAINMENT, fka SONY
BMG MUSIC ENTERTAINMENT; UMG
RECORDINGS, INC.; VIRGIN RECORDS
AMERICA, INC.; and WARNER BROS.
RECORDS INC.,

Plaintiffs,

v.

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

Defendants.

ECF Case

06 CV 5936 (KMW)(DF)

Dockets.Justia.com

DECLARATION OF JOHN R. OLLER

I, JOHN R. OLLER, hereby declare as follows:

1. I am admitted to practice before this Court and am a member of the law firm of Willkie Farr & Gallagher LLP (“Willkie Farr”), counsel of record for Lime Group LLC, Lime Wire LLC, Mark Gorton, and M.J.G. Lime Wire Family Limited Partnership (collectively, “Defendants”) in the above-captioned action. I submit this Declaration in support of Defendants’ Motion for Partial Judgment on the Pleadings pursuant to Rule 12(c) of the Federal Rules of Civil Procedure.
2. Attached hereto as Exhibit 1 is a true and correct copy of the Memorandum in Support of Their Motion for Partial Summary Judgment as to the Assessment of Statutory

Damages Per Song Infringed submitted by Plaintiffs UMG Recordings, Inc., Sony Music Entertainment, Inc., Capitol Records, Inc. and Interscope Records in *UMG Recordings, Inc. v. MP3.COM, Inc.*, No. 00 Civ. 0472 (JSR), 2000 WL 34475036 (S.D.N.Y. July 21, 2000).

3. Attached hereto as Exhibit 2 is a true and correct copy of relevant pages of the Brief of Plaintiffs-Appellants in *Bryant v. Media Right Productions, Inc.*, 603 F.3d 135 (2d Cir. 2010) (No. 09-2600-cv).

4. Attached hereto as Exhibit 3 is a true and correct copy of the Complaint in *Jett v. Ficara*, No. 04 Civ. 9466, 2007 WL 2197834 (S.D.N.Y. 2007) (No. 04-cv-9466) (RMB).

5. Attached hereto as Exhibit 4 is a true and correct copy of the Proposed Findings of Fact and Conclusions of Law presented by the plaintiffs in *Jett v. Ficara*, No. 04 Civ. 9466, 2007 WL 2197834 (S.D.N.Y. 2007) (No. 04-cv-9466) (RMB).

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on November 4, 2010 at New York, New York.



John R. Oller