

ATTACHMENT A

[Proposed] Order for Expedited Appointment of Receiver to Ensure Compliance with Permanent Injunction

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ARISTA RECORDS LLC; ATLANTIC
RECORDING CORPORATION; ARISTA
MUSIC, fka BMG MUSIC; CAPITOL
RECORDS LLC fka 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 WIRE LLC; LIME GROUP LLC;
MARK GORTON; and M.J.G. LIME WIRE
FAMILY LIMITED PARTNERSHIP,

Defendants.

06 Civ. 05936 (KMW)
ECF CASE

**[PROPOSED] ORDER FOR EXPEDITED APPOINTMENT OF RECEIVER TO
ENSURE COMPLIANCE WITH PERMANENT INJUNCTION**

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WHEREAS, on November 18, 2010, plaintiffs Arista Records LLC, et al. (“Plaintiffs”), by their attorneys, duly moved for an order requiring Defendants Lime Wire LLC et al. (“Defendants”) to appoint a Receiver to ensure Defendants’ compliance with the Court’s Permanent Injunction Order, entered on October 26, 2010 (“Permanent Injunction”);

WHEREAS, the Court finds that Defendants, based on their prior conduct, are either unable or unwilling to comply with the Permanent Injunction, including Paragraph II.B.3 thereof, Plaintiffs are presently suffering irreparable harm as the result of such non-compliance, and the appointment of a Receiver is the only effective means of bringing Defendants into compliance with the Permanent Injunction; and

Based on the submissions before the Court, and all matters of record in this action, and having found that this is a proper case for appointment of a Receiver, it is therefore Ordered that Plaintiffs’ motion be granted in all respects, and a Receiver shall be appointed to manage and administer Defendants for the limited purpose of ensuring their compliance with the Permanent Injunction. The Receiver’s duties shall include the following:

- Overview and assess Defendants’ compliance with the Permanent Injunction, and determine and evaluate any areas in which non-compliance may exist.
- Work with neutral experts to determine what technological or other steps may be taken for Defendants to comply with the Permanent Injunction, including Paragraph II.B.3, which requires the use of “all reasonable technological means to immediately cease and desist the current infringement of the Copyrighted Works by Legacy Users through the LimeWire System and Software, and to prevent and inhibit future infringement of the Copyrighted Works by Legacy Users.”

- Supervise the implementation of technological or other steps chosen to ensure Defendants compliance with the Permanent Injunction.

IT IS FURTHER ORDERED that, within five (5) days of the date of this Order, Plaintiffs shall submit to the Court (and serve on Defendants) the name of the person(s) who has consented to serve as a Receiver pursuant to this Order.

Absent any objection by the Court, said Receiver shall be appointed upon complying with the requirements set forth herein; and

IT IS FURTHER ORDERED that the Receiver, before entering upon his/her duties, shall post bond in the amount of \$750, which is the amount the Court considers proper to ensure that the Receiver faithfully undertakes his/her duties in light of the facts and circumstances of this case, and upon filing of this Order and the bond as required by law, and the service of this Order on Defendants, the Receiver shall be invested with the rights and powers set forth herein; and

IT IS FURTHER ORDERED that Defendants shall pay the reasonable costs, fees and expenses of the Receiver incurred in connection with the performance of his/her duties, including the reasonable costs, fees and expenses of all persons who may be engaged or employed by the Receiver to assist him/her in carrying out his/her duties and obligations; and

IT IS FURTHER ORDERED that the Receiver shall provide the Court with a written status report within fourteen (14) days of his/her appointment.

SO ORDERED

Dated:

KIMBA M. WOOD
United States District Judge