

# EXHIBIT 1

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September 23, 2010

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The Honorable Kimba M. Wood  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, New York 10007-1312

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

Dear Judge Wood:

Pursuant to the Court's September 14, 2010 Pretrial Scheduling Order (Doc. No. 319), Plaintiffs respectfully submit the following list of issues that Plaintiffs intend to try at the January 18, 2011 trial in this matter:

**A. Claims for Relief**

1. Plaintiffs' claim for vicarious liability for copyright infringement (Count III of the First Amended Complaint).
2. Plaintiffs' claim for fraudulent conveyance (Count VI of the First Amended Complaint).
3. Plaintiffs' claim for unjust enrichment (Count VII of the First Amended Complaint).

The Honorable Kimba M. Wood

September 23, 2010

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**B. Damages and Equitable Relief**

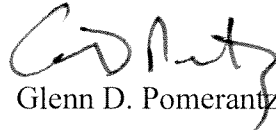
1. As to Plaintiffs' already adjudicated federal copyright claim based on Defendants' intentionally inducing infringement, and as to the relief to be awarded if Plaintiffs prevail on the vicarious liability claim to be tried, Plaintiffs' entitlement to equitable relief under the Copyright Act as well as the amount of statutory damages that Plaintiffs are entitled to recover pursuant to 17 U.S.C. § 504(c). Plaintiffs intend to establish that Defendants' committed their infringing conduct willfully, thereby increasing the range of each statutory award to \$150,000. Plaintiffs intend to seek a separate statutory award for each act of direct infringement for which Defendants are jointly and severally liable with separate infringing actors. 17 U.S.C. § 504(c).

2. As to Plaintiffs' already adjudicated state law claims for common law copyright infringement and unfair competition regarding Pre-1972 Recordings, the amount of compensatory and punitive damages to be awarded under state law, as well as Plaintiffs' entitlement to and the scope of the equitable relief to be awarded based on Defendants' unjust enrichment and other inequitable conduct.

3. Plaintiffs' entitlement to all equitable remedies allowed under state law if Plaintiffs prevail on their claims for fraudulent conveyance and/or unjust enrichment.

At the conclusion of the trial, Plaintiffs intend to seek their attorneys' fees and costs pursuant to 17 U.S.C. § 505 and to the maximum extent allowed under state law, and to recover pre- and post-judgment interest on all sums awarded to them.

Respectfully,



Glenn D. Pomerantz

cc: Joseph Baio, Willkie Farr (counsel for Defendants) (via email and fax)  
Tariq Mundiya, Willkie Farr (counsel for Defendants) (via email and fax)

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\*\*\* TX REPORT \*\*\*  
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FROM: Glenn D. Pomerantz

TO: The Honorable Kimba M. Wood (212) 805-7900  
USDC - Southern District of New York

DATE: September 23, 2010

PAGES: 3 (incl. cover)

RE: *Arista Records LLC et al. v. Lime Wire LLC, et al.*,  
*Case No. 06 CV 5936 (KMW)*

MESSAGE:

***Pursuant to court order, please see the attached.***