

EXHIBIT D

May, Shannon G.

From: Turner, Robert C.
Sent: Thursday, October 21, 2010 5:36 PM
To: Kozusko, Dan
Cc: Eaton, Mary
Subject: RE: Arista Records LLC v. Lime Group LLC, et al.

Mr. Kozusko – I disagree with your position that the Court “upheld the subpoenas in their entirety.” Judge Wood merely denied Plaintiffs’ right to move to quash the third party subpoenas (issued against my client, Yahoo!, and others). At no point did the Court rule that the subpoena of documents from third parties was appropriate. Indeed, even as to whether the types of material sought by your extremely broad (and from Yahoo!’s position, extraordinarily burdensome) subpoena are discoverable at this time, the Court simply found that “*party* discovery of Plaintiffs’ licenses and related communications” would need to be updated. Quite simply, the Court’s October 15 Order has no impact on Yahoo!’s ability to move to quash the subpoena in its own right.

In order to forestall unnecessary motion practice, however, I am willing to discuss options for narrowing production, or holding off on discovery from Yahoo! pending the updated discovery that is now due from Plaintiffs. Please feel free to give me a call at your convenience.

Robert Turner

Robert Turner

D: +1 (212) 294-3538

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From: Kozusko, Dan [mailto:dkozusko@willkie.com]
Sent: Sunday, October 17, 2010 7:07 PM
To: Turner, Robert C.
Cc: Eaton, Mary
Subject: Arista Records LLC v. Lime Group LLC, et al.

Dear Mr. Turner:

I write concerning the subpoena that defendants recently served on Yahoo! Inc. in connection with the above-captioned matter. By letter, dated October 1, 2010, to my colleague, Mary Eaton, you set forth certain objections to that subpoena on behalf of Yahoo! Inc. Attached is a decision issued by the Court on Friday afternoon upholding the subpoenas in their entirety, including the one to your client. Accordingly, we would like to discuss with you as soon as possible the timing of your document production. Of course, we are willing to discuss the scope of that production so as to minimize any undue burden on your client, while ensuring that defendants receive the requested documents and information expeditiously, so that we can avoid any costly motion practice.

Please let us know when you are available to discuss this issue. Thank you.

Very truly yours,
Dan Kozusko

<<Discovery Order.pdf>>

Dan C. Kozusko
Willkie Farr & Gallagher LLP
787 Seventh Avenue
New York, New York 10019
(212) 728-8694 (phone)
(212) 728-9694 (fax)
dkozusko@willkie.com

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