

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’ Responsive Brief Regarding Statutory Damages on a “Per-Track” Versus “Per-Album” Basis.
2. Attached hereto as Exhibit 1 is a true and correct copy of relevant pages of the Transcript of Proceedings Held Before the Honorable Kimba M. Wood on February 18, 2011.

3. Attached hereto as Exhibit 2 is a true and correct copy of the Memorandum in Support of Plaintiffs UMG Recordings, Inc., Sony Music Entertainment Inc., Capitol Records, Inc., and Interscope Records in Support of Their Motion for Partial Summary Judgment as to the Assessment of Statutory Damages Per Song Infringed in *UMG Recordings, Inc. v. MP3.COM, Inc.*, No. 00 Civ. 0472 (JSR), 2000 WL 34475036 (S.D.N.Y. July 21, 2000).

4. Attached hereto as Exhibit 3 is a true and correct copy of relevant pages of the Brief in Opposition to Defendants' Motion for Summary Judgment in *Arista Records, Inc. v. Flea World, Inc.*, 2006 U.S. Dist. LEXIS 14988 (D.N.J. Mar. 31, 2006).

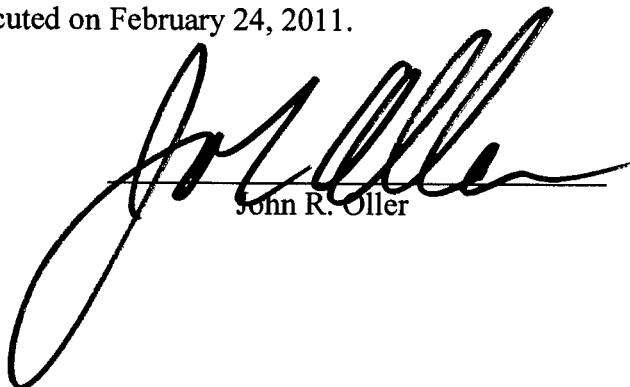
5. Attached hereto as Exhibit 4 is a true and correct copy of the Complaint in *Jett v. Ficara*, No. 04 Civ. 9466, 2007 WL 2197834 (S.D.N.Y. 2007) (No. 04-cv-9466) (RMB).

6. Attached hereto as Exhibit 5 is a true and correct copy of relevant pages from the deposition transcript of Alasdair McMullan, Executive Vice President of Legal Affairs of EMI Music North America, taken in this action on January 19, 2011.

7. Attached hereto as Exhibit 6 is a true and correct copy of the Transcript of Proceedings Held Before the Honorable Kimba M. Wood on October 13, 2010.

8. Attached hereto as Exhibit 7 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).

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on February 24, 2011.


John R. Oller