

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

**DECLARATION OF MELINDA E. LEMOINE IN SUPPORT OF PLAINTIFFS'
MOTION TO PRECLUDE EVIDENCE OR ARGUMENT INCONSISTENT WITH
FACTS ESTABLISHED AT SUMMARY JUDGMENT**

Glenn D. Pomerantz (*pro hac vice*)
Kelly M. Klaus (*pro hac vice*)
Melinda E. LeMoine
Susan T. Boyd (*pro hac vice*)
Jonathan H. Blavin (*pro hac vice*)
Munger, Tolles & Olson LLP
355 South Grand Avenue
Los Angeles, CA 90071
(213) 683-9100
Attorneys for Plaintiffs

Date: February 25, 2011

1. I am a partner at the law firm of Munger, Tolles & Olson LLP, counsel of record for Plaintiffs. I make this Declaration in support of Plaintiffs' Motion to Preclude Evidence or Argument Inconsistent with Facts Established at Summary Judgment. The contents of this Declaration are based upon my own personal knowledge, and if called upon to do so, I could and would testify competently to the matters stated herein.

2. Attached hereto as Exhibit 1 is a true and correct copy of excerpts of the February 21, 2011 deposition of Professor Emin Gün Sirer. This transcript was designated **Highly Confidential** under the Protective Order governing this action.

3. Attached hereto as Exhibit 2 is a true and correct copy of excerpts of the February 7, 2011 deposition of Mark Gorton in this action. This transcript was designated **Attorneys Eyes Only** under the Protective Order governing this action.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Dated: February 25, 2011
Los Angeles, CA

s/Melinda E. LeMoine

Melinda E. LeMoine