

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 KELLY M. KLAUS IN SUPPORT OF PLAINTIFFS'  
OPENING BRIEF REGARDING SEPARATE STATUTORY DAMAGE  
AWARDS AGAINST DEFENDANTS UNDER 17 U.S.C. § 504(c)**

I, Kelly M. Klaus, hereby declare as follows:

1. I am a partner in the law firm of Munger, Tolles & Olson LLP, counsel of record for Plaintiffs. I make this Declaration in Support of Plaintiffs' Opening Brief Regarding Separate Statutory Damage Awards Against Defendants Under 17 U.S.C. § 504(c). 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 portions of the transcript from the December 7, 2007 hearing before Judge Lynch.

3. Attached hereto as Exhibit 2 is a true and correct copy of portions of Defendants' First Request for Production of Documents to Plaintiff Sony BMG Music Entertainment, dated October 31, 2006.

4. Attached hereto as Exhibit 3 is a true and correct copy of a letter from Melinda E. LeMoine to Magistrate Judge Freeman, dated February 4, 2011.

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/ Kelly M. Klaus

Kelly M. Klaus