

REDACTED VERSION
-COMPLETE VERSION FILED UNDER SEAL

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 SUSAN TRAUB BOYD IN SUPPORT OF PLAINTIFFS' MOTION
IN LIMINE TO PRECLUDE DEFENDANTS FROM ASSERTING PRIVILEGE OVER
COMMUNICATIONS WITH FRED VON LOHMANN OR THE ELECTRONIC
FRONTIER FOUNDATION**

Glenn D. Pomerantz (*pro hac vice*)
Kelly M. Klaus (*pro hac vice*)
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Attorneys for Plaintiffs

Date: February 25, 2011

1. I am an associate at the law firm of Munger, Tolles & Olson LLP, counsel of record for Plaintiffs. I make this Declaration in support of Plaintiffs' Motion *In Limine* to Preclude Defendants from Asserting Privilege over Communications with Fred von Lohmann or the Electronic Frontier Foundation. 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 7, 2011 deposition of Mark Gorton in this action. Lime Wire designated this transcript Attorneys Eyes Only under the Protective Order governing this action.

3. Attached hereto as Exhibit 2 is a true and correct copy of excerpts of a July 29, 2010 Transcript of Hearing in this action.

4. Attached hereto as Exhibit 3 is a true and correct copy of a paper titled "IAAL: Peer-to-Peer File Sharing and Copyright Law after Napster."

5. Attached hereto as Exhibit 4 is a true and correct copy of a document marked as Exhibit 762 in the February 2, 2011 deposition of Fred von Lohmann in this action.

6. Attached hereto as Exhibit 5 is a true and correct copy of the transcript of the February 2, 2011 deposition of Fred von Lohmann in this action. The transcript has been designated "Attorneys Eyes Only" on an interim basis by Lime Wire, EFF and Plaintiffs to allow counsel for Lime Wire and von Lohmann to review the transcript and make final confidentiality designations (to date Mr. von Lohmann, but not counsel for Lime Wire, has provided final confidentiality designations).

7. Attached hereto as Exhibit 6 is a true and correct copy of a document marked as Exhibit 761 in the February 2, 2011 deposition of Fred von Lohmann in this action.

8. Attached hereto as Exhibit 7 is a true and correct copy a document produced in this litigation by Lime Wire with bates number LW 001736. Lime Wire has designated this document “Confidential” under the Protective Order.

9. Attached hereto as Exhibit 8 is a true and correct copy of a document marked as Exhibit 759 in the February 2, 2011 deposition of Fred von Lohmann in this action.

10. Attached hereto as Exhibit 9 is a true and correct copy of a document marked as Exhibit 758 in the February 2, 2011 deposition of Fred von Lohmann in this action.

11. Attached hereto as Exhibit 10 is a true and correct copy of a document marked as Exhibit 743 in the February 2, 2011 deposition of Fred von Lohmann in this action. Von Lohmann designated this document “Confidential” under the Protective Order.

12. Attached hereto as Exhibit 11 is a true and correct copy of a document marked as Exhibit 760 in the February 2, 2011 deposition of Fred von Lohmann in this action. Lime Wire designated this document “Confidential” under the Protective Order.

13. Attached hereto as Exhibit 12 is a true and correct copy of a document marked as Exhibit 742 in the February 2, 2011 deposition of Fred von Lohmann in this action. Von Lohmann designated this document “Confidential” under the Protective Order.

14. Attached hereto as Exhibit 13 is a true and correct copy of excerpts of the September 10, 2008 Bildson Declaration, previously filed and maintained under seal in this action.

15. Attached hereto as Exhibit 14 is a true and correct copy of excerpts of an amended privilege log provided to Plaintiffs by counsel to Mr. von Lohmann.

16. Attached hereto as Exhibit 15 is a true and correct copy of a document marked as Exhibit 744 in the February 2, 2011 deposition of Fred von Lohmann in this action.

17. Attached hereto as Exhibit 16 is a true and correct copy of a document marked as Exhibit 748 in the February 2, 2011 deposition of Fred von Lohmann in this action. Von Lohmann designated this document “Confidential” under the Protective Order.

18. Attached hereto as Exhibit 17 is a true and correct copy of a document marked as Exhibit 752 in the February 2, 2011 deposition of Fred von Lohmann in this action. Von Lohmann designated this document “Confidential” under the Protective Order.

19. Attached hereto as Exhibit 18 is a true and correct copy of a document marked as Exhibit 753 in the February 2, 2011 deposition of Fred von Lohmann in this action. Von Lohmann designated this document “Confidential” under the Protective Order.

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

Dated: February 25, 2010
San Francisco, CA

/s/Susan Traub Boyd
Susan Traub Boyd