

EXHIBIT 2

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x

ARISTA RECORDS LLC; ATLANTIC) ECF CASE
RECORDING CORPORATION;)
BMG MUSIC; CAPITOL RECORDS,) 06 Civ. 05936 (GEL)
INC.; ELEKTRA ENTERTAINMENT)
GROUP INC.; INTERSCOPE)
RECORDS; LAFACE RECORDS LLC;))
MOTOWN RECORD COMPANY, L.P. ;))
PRIORITY RECORDS LLC; SONY)
BMG MUSIC ENTERTAINMENT;)
UMG RECORDINGS, INC.; VIRGIN)
RECORDS AMERICAN, INC.; and)
WARNER BROS. RECORDS INC.,)
))
Plaintiffs,))
))
-against-))
))
LIME WIRE LLC; LIME GROUP)
LLC; MARK GORTON; GREG)
BILDSON; and M.J.G. LIME)
WIRE FAMILY LIMITED)
PARTNERSHIP,)
Defendants.))

-----x

February 9, 2011
9:23 a.m.

VIDEOTAPED DEPOSITION of CHRISTOPHER CONNELLY,
a witness on behalf of Plaintiffs in the
above-captioned matter, taken by Defendants, held
at the offices of Willkie Farr & Gallagher, LLP,
787 Seventh Avenue, New York, New York, before
Eileen Mulvenna, CSR/RMR, Certified Shorthand
Reporter, Registered Merit Reporter and Notary
Public of the State of New York.

A P P E A R A N C E S:

RECORDING INDUSTRY ASSOCIATION OF AMERICA

Attorneys for Plaintiffs

1025 F Street, N.W.

Washington, D.C. 20004

BY: JENNIFER L. PARISER, ESQ.

jpariser@riaa.com

WILLKIE FARR & GALLAGHER, ESQS.

Attorneys for Defendants

787 Seventh Avenue

New York, New York 10019

BY: AMINA JAFRI, ESQ.

ajafri@willkie.com

FARA S. SUNDERJI, ESQ.

fsunderji@willkie.com

A L S O P R E S E N T:

DEVERELL RIGHT, Videographer

1

2 Q. From June 2004 until 2010, what were
3 your responsibilities at MediaSentry?

4 A. To support and develop applications
5 that communicated over the peer-to-peer networks
6 to obtain information.

7 Q. What were some of your daily tasks?

8 A. Supporting a software system.

9 Q. Did you have any supervisory
10 authority or managerial authority?

11 A. At some points, yes.

12 Q. Can you describe when that occurred?

13 A. During the time that we were
14 purchased by SafeNet, I was a team lead and I had
15 developers that reported to me.

16 Q. When was the company purchased by
17 SafeNet?

18 A. 2006, June, I believe.

19 Q. And what were your responsibilities
20 as team lead?

21 A. To help design and architect the
22 software system and instruct other developers to
23 fill in the details.

24 Q. Can you describe the software system
25 that you were architecting at that point?

1

2 A. It's a data-collection platform to
3 collect information from peer-to-peer networks.

4 Q. Do you know if that software system
5 is still in use?

6 A. Yes, it is.

7 Q. Was it one of your responsibilities
8 at MediaSentry to collect evidence of copyright
9 infringement?

10 A. Yes.

11 Q. And when did that become a
12 responsibility?

13 A. From the moment I started, 2004.

14 Q. Is it still a responsibility now?

15 A. Yes.

16 Q. What percentage of your time is
17 spent on tasks relating to the collection of
18 evidence for copyright infringement?

19 A. That is the primary purpose of my
20 role at the company.

21 Q. Would you say upwards of 90 percent?

22 A. Yes.

23 Q. Can you list some of the MediaSentry
24 and Peer Media Technologies' clients?

25 MS. PARISER: Hold on.

1

2 was first retained in this matter?

3 MS. PARISER: Objection to form,

4 "this matter."

5 MS. JAFRI: In the matter -- in the

6 above-captioned matter in which we are

7 conducting this deposition.

8 MS. PARISER: Objection to form,

9 foundation.

10 A. I don't know the exact date for this

11 specific case.

12 Q. Who initially told you that you

13 would be working on collecting data from Lime

14 Wire for this case?

15 MS. PARISER: Objection to form,

16 foundation.

17 A. The data collected for this case was

18 initially collected for the case of litigation

19 for individual users. It was later used for this

20 case.

21 Q. And who told you that you would be

22 working on the data collection for those

23 individual users that you just referred to?

24 A. My first supervisor when I

25 immediately started working for the company.

1

2 and determine whether or not they likely matched
3 the original request, a series of filters.

4 Q. When you referred to search terms a
5 moment ago, was the search term a song title?

6 A. Yes.

7 Q. Would a search term be the entire
8 song title?

9 A. Possibly.

10 Q. Were there instances where the
11 search term would just be part of a song title?

12 A. Yes.

13 Q. How was it decided whether the
14 search term would be the entirety of the title or
15 part of a title?

16 A. It was determined by the customer
17 support people that were entering the terms.
18 They were provided the list of works that we
19 would cover, and they would determine, possibly
20 by doing sample searches over the networks, to
21 determine what terms would likely yield the best
22 results.

23 Q. Were there other search terms used
24 besides song titles?

25 A. Yeah. We had other clients, so for

1

2 particular information?

3 A. In order to review the results and
4 determine all of the files that were infringing
5 the copyrights.

6 Q. Does the fact that a particular song
7 exists in a shared directory indicate that the
8 song has ever been shared?

9 MS. PARISER: Objection to form.

10 A. As part of this process, the file
11 would be shared with MediaSentry.

12 Q. Does the fact that a particular song
13 exists in a shared directory indicate that that
14 song has been shared by -- with anyone else
15 besides MediaSentry?

16 MS. PARISER: Objection to form.

17 A. Specifically with the Gnutella
18 network and Lime Wire, I don't believe so; but in
19 other networks -- or no, that information is not
20 shared outside. It's not shared to the people
21 requesting it. It may be displayed on the user's
22 computer, how many requests were made, but it's
23 not -- it's not shared. So the answer is no.

24 Q. So is it possible for a user to have
25 a file on his or her shared directory that was

1

2 Q. Do you know Andrew Kemkie [ph]?

3 A. Yes.

4 Q. Is he with the company now?

5 A. No. He recently left.

6 Q. How recently?

7 A. A couple of months ago. I think it

8 was around the holidays.

9 Q. And what was his role with the

10 company when he was there?

11 A. He was the customer support

12 representative.

13 Q. And what's the job of a customer

14 support representative?

15 A. He would be the one to enter the

16 search terms into the database along with any

17 other configuration that the software needed for

18 the specific data collection needs of a client,

19 and he would also interface with the customers to

20 provide any information that they needed, reports

21 or whatever it may be.

22 Q. Were the search terms generated by

23 the customer support employees?

24 A. I believe they had modified them.

25 I'm not sure if -- an initial list may have even

1
2 been provided to them and they worked on it from
3 there, but I do know that they had been informed
4 as to what those search terms were.

5 Q. Where would that initial list have
6 been provided from if it was not generated by the
7 customer support employees?

8 A. It would have been generated by
9 customer support if it was not provided by the
10 client.

11 Q. So you're not clear on whether it
12 came from the clients or if it came from customer
13 support?

14 A. The data that was collected in these
15 cases, no.

16 Q. How many songs were downloaded in
17 total for the project that is described in
18 Exhibit 2?

19 A. Well, again, the project was a data-
20 collection platform that was specifically
21 collecting data for evidence question for
22 litigation cases and was later used for this
23 case. And I'm not aware of how large the subset
24 is, but this data was collected from the
25 litigation cases. And I don't know the exact

1

2 Q. How much time was spent reviewing
3 the data and preparing your witness statement?

4 A. Couple days. Maybe a day or two,
5 three days.

6 Q. And when were you told to review the
7 data and prepare the witness statement?

8 A. I think it was in September 2000 --

9 Q. Of what year?

10 A. 2010.

11 Q. The first sentence of the last
12 paragraph of your statement says, "Once the data
13 collection process was completed, a manual review
14 of all downloaded song recordings was performed
15 within MediaSentry before providing the data to
16 the plaintiffs."

17 Can you describe that manual review
18 process?

19 A. Somebody would listen to each one of
20 the files to ensure that they are a playable
21 sound recording and to the best of their ability
22 ensure that it is the song that it is named.
23 Although they're not experts, so it's possible
24 that they may be off, but they would catch
25 obvious cases of that.

1

2 Q. Who undertook this manual review?

3 A. There was a team of people that did

4 it.

5 Q. How large was that team?

6 A. At the time it was probably around

7 five people or so.

8 Q. And was it a full-time endeavor for

9 those five individuals to do this manual review,

10 or were they working on other projects at the

11 same time?

12 A. They were likely working on other

13 projects at the same time.

14 Q. How much time were they devoting to

15 the manual review of this project?

16 A. I don't know.

17 Q. Can you guess?

18 A. Not really --

19 Q. How much time did the manual review

20 take in total?

21 A. For each case? I would say a few

22 minutes.

23 Q. Does that mean a few minutes per

24 song, or were you referring to something

25 different there?

1

2 Q. And if two individuals took the same
3 song -- strike the question.

4 If two individuals took a song off
5 of the same CD and ripped it on two different
6 computers, what would cause the hash values to
7 differ? What would those factors be?

8 A. Potentially different hardware,
9 software or settings.

10 Q. In undertaking the download project
11 described in Exhibit 2, was it your testimony
12 earlier that MediaSentry reviewed the shared
13 folders of various users to see what files they
14 were sharing?

15 A. Yes.

16 Q. Did MediaSentry undertake any
17 process to determine how many times those files
18 had been shared with users other than
19 MediaSentry?

20 A. No.

21 MS. PARISER: Objection. Asked and
22 answered.

23 Q. Would there be any way to undertake
24 such a process?

25 MS. PARISER: Same objection.

1

2 A. No.

3 Q. Are you familiar with virtual

4 private networks?

5 A. Yes.

6 Q. Can you describe how a virtual

7 private network works?

8 A. It enables a user to join a network

9 remotely and register their computer onto that

10 network.

11 Q. Are you familiar with Citrix?

12 A. To some extent.

13 Q. Can you describe generally how

14 Citrix works?

15 A. That it allows users to remotely log

16 on to a network. It's very similar in that

17 sense.

18 Q. If there's a virtual private network

19 in place in New York that allows people outside

20 of New York to log in, where does the IP address

21 originate from?

22 A. From the -- New York. From the

23 network that the user is VPN'd, connected into.

24 Q. If someone is running a VPN server,

25 is it possible to determine where that individual