

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)

DocketsJustia.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’ Brief in Opposition to Plaintiffs’ Motion *In Limine* to Preclude Defendants’ Argument That Other Illegal Services Would Have Induced Infringement of Plaintiffs’ Copyrights if Lime Wire Had Not.

2. Attached hereto as Exhibit A is a true and correct copy of excerpts of the transcript of a February 18, 2011 Hearing before Hon. Kimba M. Wood.
3. Attached hereto as Exhibit B is a true and correct copy of excerpts of the Expert Report of George G. Strong, Jr., dated January 14, 2011.
4. Attached hereto as Exhibit C is a true and correct copy of excerpts of the Expert Report of Aram Sinnreich, dated January 14, 2011.
5. Attached hereto as Exhibit D is a true and correct copy of excerpts of a document entitled "Warner Music Group 2010 Annual Report."
6. Attached hereto as Exhibit E is a true and correct copy of excerpts of a document entitled "Vivendi 2006 Annual Report."
7. Attached hereto as Exhibit F is a true and correct copy of excerpts of a document entitled "Maltby Capital Ltd Annual Review Year ended 31 March 2008."
8. Attached hereto as Exhibit G is a true and correct copy of excerpts of the deposition of Charles Ciongoli, taken in this action on February 1, 2011.
9. Attached hereto as Exhibit H is a true and correct copy of excerpts of the deposition of Thomas Hesse, taken in this action on January 28, 2011.
10. Attached hereto as Exhibit I is a true and correct copy of excerpts of the deposition of Zach Horowitz, taken in this action on February 2, 2011.
11. Attached hereto as Exhibit J is a true and correct copy of excerpts of the deposition of Paul Kahn, taken in this action on January 21, 2011.
12. Attached hereto as Exhibit K is a true and correct copy of excerpts of the deposition of Kevin Kelleher, taken in this action on January 26, 2011.

13. Attached hereto as Exhibit L is a true and correct copy of excerpts of the deposition of Wade Leak, taken in this action on February 1, 2011.

14. Attached hereto as Exhibit M is a true and correct copy of excerpts of the deposition of Alasdair McMullan, taken in this action on January 19, 2011.

15. Attached hereto as Exhibit N is a true and correct copy of excerpts of the deposition of Mark Piibe, taken in this action on January 28, 2011.

16. Attached hereto as Exhibit O is a true and correct copy of excerpts of the deposition of Aram Sinnreich, taken in this action on February 11, 2011.

17. Attached hereto as Exhibit P is a true and correct copy of a document, bates numbered SONY-LW02065336 to SONY-LW02065365, produced by Plaintiffs in discovery in this action.

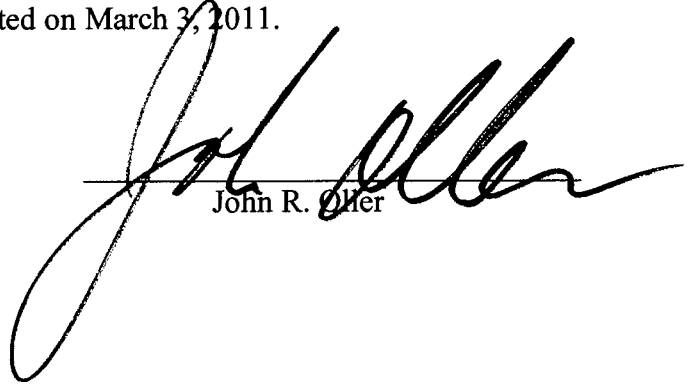
18. Attached hereto as Exhibit Q is a true and correct copy of excerpts of a document, bates numbered VEVO 000889 to VEVO 000918, produced by non-party VEVO LLC in discovery in this action.

19. Attached hereto as Exhibit R is a true and correct copy of a document, bates numbered EMI-7046911 to EMI-7046914, produced by Plaintiffs in discovery in this action.

20. Attached hereto as Exhibit S is a true and correct copy of a document, bates numbered UNIDM0003350 to UNIDM0003352, produced by Plaintiffs in discovery in this action.

21. Attached hereto as Exhibit T is a true and correct copy of a document, bates numbered UMG-7083448 to UMG-7083450, produced by Plaintiffs in discovery in this action.

I declare under penalty of perjury under the laws of the United States of America  
that the foregoing is true and correct. Executed on March 3, 2011.



John R. Olier