

**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, 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)

DECLARATION OF JAMES C. DUGAN IN SUPPORT OF DEFENDANTS' BRIEF IN OPPOSITION TO PLAINTIFFS' MOTION IN LIMINE TO PRECLUDE DEFENDANTS FROM ASSERTING PRIVILEGE OVER COMMUNICATIONS WITH FRED VON LOHMANN OR THE ELECTRONIC FRONTIER FOUNDATION

I, James C. Dugan, declare as follows:

1. I am a member of the bar of this court and an attorney with the law firm of Willkie Farr & Gallagher LLP. This law firm represents Lime Group LLC, Lime Wire LLC, Mark Gorton, and M.J.G. Lime Wire Family Limited Partnership (collectively, "Defendants") in the above-captioned action.

2. I have personal knowledge of the facts set forth below. I submit this Declaration in support of Defendants' Brief In Opposition To Plaintiffs' Motion In Limine To

Preclude Defendants From Asserting Privilege Over Communications With Fred Von Lohmann Or The Electronic Frontier Foundation.

3. Attached hereto as Exhibit 1 is a true and correct copy of certain pages from Defendants' privilege log produced to Plaintiffs on July 8, 2008 that reflect attorney-client privileged communications between Fred von Lohmann and Lime Wire.

[REDACTED]

[REDACTED]

[REDACTED]

5. Attached hereto as Exhibit 3 is a true and correct copy of Plaintiffs' Opposition To Expedited Motion To Quash Subpoenas, filed on November 12, 2010, in *In re Subpoenas to Electronic Frontier Foundation and Fred Von Lohmann*, N.D. Cal. Case No. Misc. 10-80276 (JSW).

6. Attached hereto as Exhibit 4 is a true and correct copy of the Order Granting In Part And Denying In Part Expedited Motion To Quash Subpoenas, entered on December 17, 2010, in *In re Subpoenas to Electronic Frontier Foundation and Fred Von Lohmann*, N.D. Cal. Case No. Misc. 10-80276 (JSW).

7. Attached hereto as Exhibit 5 is a true and correct copy of the Declaration Of Mark Gorton In Support Of Expedited Motion To Quash Subpoenas, filed on November 16, 2010, in *In re Subpoenas to Electronic Frontier Foundation and Fred Von Lohmann*, N.D. Cal. Case No. Misc. 10-80276 (JSW).

8. Attached hereto as Exhibit 6 is a true and correct copy of the Declaration Of Fred von Lohmann In Support Of Expedited Motion To Quash Subpoenas, filed on

November 16, 2010, in *In re Subpoenas to Electronic Frontier Foundation and Fred Von Lohmann*, N.D. Cal. Case No. Misc. 10-80276 (JSW).

9. Attached hereto as Exhibit 7 is a true and correct copy of the Declaration Of Cindy Cohn In Support Of Expedited Motion To Quash Subpoenas, filed on November 16, 2010, in *In re Subpoenas to Electronic Frontier Foundation and Fred von Lohmann*, N.D. Cal. Case No. Misc. 10-80276 (JSW).

10. Attached hereto as Exhibit 8 is a true and correct copy of the Electronic Frontier Foundation's privilege log produced to Plaintiffs that reflects attorney-client privileged communications between the Electronic Frontier Foundation and Lime Wire.

11. Attached hereto as Exhibit 9 is a true and correct copy of Fred von Lohmann's privilege log produced to Plaintiffs that reflects attorney-client privileged communications between Fred von Lohmann and Lime Wire.

12. Attached hereto as Exhibit 10 is a true and correct copy of the "Electronic Frontier Foundation Annual Report 2008-2009," retrieved from <http://www.eff.org/files/eff-2008-2009-annual-report.pdf> on March 2, 2011.

13. Attached hereto as Exhibit 11 is a true and correct copy of a screen shot of the web page <http://www.eff.org/about/staff>, retrieved on March 2, 2011.

14. Attached hereto as Exhibit 12 is a true and correct copy of a screen shot of the web page <http://www.eff.org/cases>, retrieved on March 2, 2011.

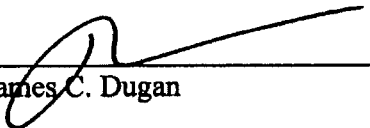
15. Attached hereto as Exhibit 13 is a true and correct copy of excerpts of the February 7, 2011 deposition of Mark Gorton in this action.

16. Attached hereto as Exhibit 14 is a true and correct copy of a screen shot of the web page <http://www.eff.org/about>, retrieved on March 3, 2011.

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17. I declare under penalty of perjury that the foregoing statements are true and correct to the best of my knowledge and belief.

March 3, 2011 in New York, NY


James C. Dugan