

EXHIBIT 13

In The Matter Of:

ARISTA RECORDS LLC

v.

LIME GROUP LLC

GORTON, MARK - Vol. 1

February 7, 2011

CONFIDENTIAL
ATTORNEYS' EYES ONLY

MERRILL CORPORATION

LegalLink, Inc.

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MARK GORTON - 2/7/2011

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1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK
3 -----x
4 ARISTA RECORDS LLC; ATLANTIC
5 RECORDING CORPORATION; ARISTA MUSIC,
6 fka BMG MUSIC; CAPITOL RECORDS, INC.;
7 ELEKTRA ENTERTAINMENT GROUP INC.;
8 INTERSCOPE RECORDS; LAFACE RECORDS LLC;
9 MOTOWN RECORD COMPANY, L.P.; PRIORITY
10 RECORDS LLC; SONY MUSIC ENTERTAINMENT,
11 fka SONY BMG MUSIC ENTERTAINMENT; UMG
12 RECORDINGS, INC.; VIRGIN RECORDS
13 AMERICA, INC.; and WARNER BROS.
14 RECORDS INC.,
15 Plaintiffs,
16 Civil Action No.
17 -against- 06 CV 5936 (KMW) (DF)
18 LIME GROUP LLC; LIME WIRE LLC; MARK
19 GORTON; GREG BILDSON; and M.J.G.
20 LIME WIRE FAMILY LIMITED PARTNERSHIP,
21 Defendants.
22 -----x
23 February 7, 2011
24 9:23 a.m.
25

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21 Videotaped Deposition of MARK GORTON, taken
22 by Plaintiffs, pursuant to Order, at the offices
23 of Cowan Liebowitz, 1133 Avenue of the Americas,
24 New York, New York, before William Visconti, a
25 Shorthand Reporter and Notary Public within and
for the State of New York.

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154	<p>1 programming classes and over time I have done a 2 bit of computer programming, but I think I only 3 know a tiny fraction of what would be considered 4 computer engineering. 5 Q. Do you know a gentleman named Fred 6 von Lohmann? 7 A. I know of him. 8 Q. Have you ever spoken to him? 9 A. Yes. 10 Q. Did you ever hire Mr. von Lohmann as 11 your lawyer? 12 A. I have never paid Mr. von Lohmann. 13 MR. BAIIO: That is not the 14 question. Can we hear it back. 15 (Requested portion of record read.) 16 A. Well, I mean Fred von Lohmann works 17 for the EFF which is a not for profit. So, as 18 opposed to being at a traditional law firm, he is 19 not for hire in the traditional sense I would 20 say. So I haven't hired him as you would a 21 traditional law firm, but I did talk to him about 22 legal matters and he did give me legal advice. 23 Q. When he gave you that legal advice, 24 did you view him as your lawyer? 25 A. I mean I viewed him as a lawyer that</p>	156	<p>1 to show Mr. Gorton and would I like to be able to 2 follow up on that. 3 MR. BAIIO: Let me hear the question 4 again. 5 MR. POMERANTZ: Read it back. 6 (Requested portion of record read.) 7 MR. BAIIO: Objection, vague and 8 ambiguous. And you might be trampling on the 9 attorney-client privileges more than just general 10 subject matter. 11 MR. POMERANTZ: Let me put the log 12 in front of him and it might make it easier for 13 everybody. 14 MR. BAIIO: Okay. 15 (Exhibit 769 for 16 identification, Fred von Lohmann's privilege 17 log.) 18 Q. I show you what I marked as Exhibit 19 769. 20 (Witness reviewing document.) 21 MR. BAIIO: Do want him to look at a 22 particular page? 23 MR. POMERANTZ: Yes, let me get this 24 in front of me. 25 Q. Look at page 7 of Exhibit 769,</p>
155	<p>1 I consulted for legal advice, perhaps not 2 uniquely. 3 Q. Did Lime Wire ever retain Mr. von 4 Lohmann as its lawyer? 5 A. Again, he gave me and Lime Wire legal 6 advice. 7 Q. Did you ever enter into a retainer 8 agreement with Mr. von Lohmann? 9 A. No. 10 Q. Do you know whether Lime Wire ever 11 paid a penny to Mr. von Lohmann for his advice? 12 A. I believe we -- Lime Wire never paid 13 him anything, money. 14 Q. Mr. von Lohmann provided you with 15 legal advice regarding copyright law prior to the 16 Grokster decision being issued in June of 2005, 17 correct? 18 MR. BAIIO: Objection to form. I 19 believe it is covered to the extent and Tariq 20 will give us the page and I'm not sure whether we 21 will be invoke the attorney-client privilege. 22 MR. POMERANTZ: I have the right to 23 follow up on Mr. von Lohmann's deposition which 24 happened a week ago and clearly we got a 25 privileged log from Mr. von Lohmann that I intend</p>	157	<p>1 Mr. Gorton, the number in the lower right corner 2 of the document, the page numbers? 3 MR. BAIIO: Page 6 of 8. 4 MR. POMERANTZ: 7. 5 MR. BAIIO: Sorry. 6 Q. You see, for example, Mr. Gorton, 7 item 95 on that page where it states that there 8 was a confidential e-mail sent by Mr. von Lohmann 9 to you relating to legal advice Re copyright law? 10 A. Yes. 11 Q. Do you have any reason to believe 12 that you did not have any communication with 13 Mr. von Lohmann in 2002 relating to advice on 14 copyright law? 15 MR. BAIIO: Objection. Lack of 16 foundation. I don't think he has ever seen 17 that. You haven't established what this document 18 is, but you can answer the question if it helps. 19 A. Could you repeat the question. 20 Q. Sure. Do you have any reason to 21 believe that you did not have a communication 22 with Mr. von Lohmann in 2002 regarding copyright 23 law? 24 A. There is a negative there. So, in 25 2002 I think it is reasonable that I did have a</p>

40 (Pages 154 to 157)