

# Exhibit A

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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ARISTA RECORDS LLC; ATLANTIC  
RECORDING CORPORATION; BMG MUSIC;  
CAPITOL RECORDS, INC; ELEKTRA  
ENTERTAINMENT GROUP INC.; INTERSCOPE  
RECORDS; LAFACE RECORDS LLC;  
MOTOWN RECORD COMPANY, LP; PRIORITY  
RECORDS LLC; SONY BMG MUSIC UMG  
RECORDINGS, INC.; VIRGIN RECORDS  
AMERICA, INC.; and WARNER BROS.  
RECORDS INC.,

COPY

Plaintiffs,

Civil Action No.

-against-

06 CIV 05936

(GEL)

LIME WIRE LLC; LIME GROUP LLC;  
MARK GORTON; GREG BILDSON, and  
MJG LIME WIRE FAMILY LIMITED  
PARTNERSHIP,

Defendants.

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April 15, 2008

9:20 a.m.

CONFIDENTIAL - ATTORNEYS' EYES ONLY

Videotaped Continued Deposition of MARK  
GORTON, taken by Plaintiffs, pursuant to notice,  
at the offices of Cravath, Swaine & Moore, LLP,  
825 Eighth Avenue, New York, New York, before  
SUZANNE PASTOR, a Shorthand Reporter and Notary  
Public within and for the State of New York.

1 MARK GORTON - ATTORNEYS' EYE ONLY

10:36:23 2 answered.

10:36:24 3 A. I do know that there were some. I  
10:36:26 4 have to say that I know to some extent that case  
10:36:29 5 is still going on. And I honestly have not  
10:36:32 6 followed it closely. So I really don't know  
10:36:35 7 what the specifics of those cases are.

10:36:39 8 Q. You're aware of a decision against  
10:36:42 9 Streamcast?

10:36:42 10 A. Again, I'm aware that that case  
10:36:47 11 continues to go on, but I do not know the  
10:36:56 12 details of that.

10:36:57 13 Q. So it is your testimony today that  
10:37:02 14 you have at no point in time become aware of any  
10:37:07 15 lower court decision granting summary judgment  
10:37:09 16 against either Grokster or Streamcast for  
10:37:14 17 copyright infringement? You just don't think  
10:37:17 18 you've ever been made aware of that?

10:37:19 19 THE WITNESS: Charles, can I ask  
10:37:20 20 you a question?

10:37:21 21 MR. BAKER: Well, outside of what  
10:37:23 22 you've been made aware of in the conversations  
10:37:25 23 you've had with your counsel.

10:37:26 24 Q. Well, if you've become aware of the  
10:37:28 25 fact. I don't want the content of the

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10:37:30 2 conversations you may have had with counsel. If  
10:37:31 3 you have become aware -- I just want to know  
10:37:34 4 whether or not you're going to testify today  
10:37:36 5 that you've never become aware that there's been  
10:37:38 6 a summary judgment decision against Grokster or  
10:37:42 7 Streamcast in which they've been adjudicated to  
10:37:45 8 be liable for copyright infringement.

10:37:47 9 A. I think it was my understanding  
10:37:49 10 that there was an out-of-court settlement  
10:37:52 11 reached with Grokster.

10:37:54 12 Q. How about Streamcast?

10:37:55 13 A. It's my understanding that case is  
10:37:57 14 still going on.

10:37:58 15 Q. Right, and are you aware of any  
10:38:00 16 decision by any court that has granted summary  
10:38:03 17 judgment against Streamcast for being a  
10:38:07 18 copyright infringer?

10:38:09 19 MR. BAKER: Secondary copyright  
10:38:13 20 infringer.

10:38:13 21 Q. Secondary copyright infringer.

10:38:16 22 A. Again, I haven't been following the  
10:38:18 23 case, and I couldn't have said if it was a  
10:38:21 24 summary judgment or some other sort of judgment.  
10:38:23 25 I do know that there were adverse rulings

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10:38:26 2 against Morpheus, but I couldn't have told you  
10:38:28 3 specifically what the form of the ruling were,  
10:38:31 4 or what they were specifically.

10:38:33 5 Q. When you say Morpheus, are you  
10:38:35 6 connecting Morpheus with Streamcast?

10:38:37 7 A. Yes.

10:38:38 8 Q. When you say you think that there  
10:38:40 9 has been an adverse decision, do you mean an  
10:38:42 10 adverse decision which resulted in it being  
10:38:45 11 judged to be a secondary infringer of the  
10:38:48 12 copyright laws?

10:38:49 13 A. I couldn't be more specific than I  
10:38:51 14 was because I've not been following that case.

10:38:54 15 Q. Have you ever read that case? Did  
10:38:56 16 you ever read that decision from the court?

10:38:58 17 A. I've read the Supreme Court  
10:38:59 18 decision.

10:39:00 19 Q. Did you ever read the lower court  
10:39:02 20 decision relating to Streamcast? Where it was  
10:39:08 21 judged to be a copyright infringer.

10:39:10 22 A. I think I may have read a few kind  
10:39:14 23 of highlighted parts of that. Or kind of juicer  
10:39:19 24 quotes. But I don't believe I've read the  
10:39:21 25 entire thing.