

Arista Records LLC et al v. Lime Wire LLC et al

Doc. 595

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

<p>USDS SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 3/4/11</p>
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ARISTA RECORDS LLC; ATLANTIC RECORDING CORPORATION; ARISTA MUSIC, fka BMG MUSIC; CAPITOL RECORDS, I.L.C, fka 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 WIRE LLC; LIME GROUP LLC; MARK GORTON; and M.J.G. LIME WIRE FAMILY LIMITED PARTNERSHIP.

Defendants.

06 Civ. 05936 (KMW) (DF)  
ECF CASE

STIPULATION AND ~~PROPOSED~~ ORDER  
WITHDRAWING PLAINTIFFS' MOTION FOR A RECEIVER

Joseph T. Baio, Esq.  
Tariq Mundiya, Esq.  
Mary J. Eaton, Esq.  
Mei Lin Kwan-Gett, Esq.  
Todd G. Cosenza, Esq.  
Willkie Farr & Gallagher LLP  
787 Seventh Avenue  
New York, N.Y. 10019-6099  
(212) 728-8000  
*Attorneys for Defendants*

Glenn D. Pomerantz (*pro hac vice*)  
Kelly M. Klaus (*pro hac vice*)  
Melinda E. LeMoine  
Jonathan H. Blavin (*pro hac vice*)  
Munger, Tolles & Olson, LLP  
355 South Grand Avenue  
Los Angeles, CA 90071  
(213) 683-9100  
*Attorneys for Plaintiffs*

March 1, 2011

WHEREAS, on November 18, 2010, Plaintiffs moved the Court to appoint a receiver, and on November 23, 2010, Defendants opposed the Motion; and

WHEREAS, on December 6, 2010, this Court held a hearing to address Plaintiffs' Motion, and ordered the parties to meet and confer with their respective experts and work together to attempt to resolve the concerns raised in the Motion; and

WHEREAS, the parties have met and conferred at length and conducted certain discovery pursuant to the Court's directive and as a result have reached certain agreements that they now seek to formalize before this Court; and

WHEREAS, the parties have negotiated a remedial measure and a security protocol, which security protocol is attached (under seal) to this Stipulation and [Proposed] Order as Exhibit A ("the Security Protocol"); and

WHEREAS, the parties have agreed to have J. Christopher Racich of Vestigant act as a Neutral Custodian to implement a Security Protocol; and

WHEREAS, Plaintiffs do not waive, and expressly reserve, all claims; and

WHEREAS, Defendants do not waive, and expressly reserve, all defenses;

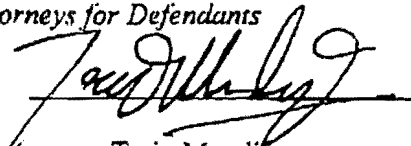
WHEREAS, upon the Court's approval of this Stipulation and appointment of the Neutral Custodian, Plaintiffs have agreed to withdraw their Motion for a Receiver, without prejudice, reserving all rights as above;

NOW, THEREFORE, it is hereby stipulated and agreed as follows:

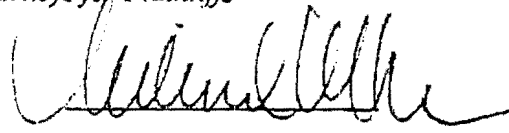
1. J. Christopher Racich is appointed Neutral Custodian and charged with the responsibilities detailed in the Security Protocol, attached (under seal) as Exhibit A.

2. Plaintiffs' Motion for a Receiver is withdrawn without prejudice.

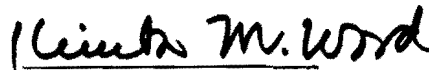
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*Attorneys for Defendants*

  
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Munger, Tolles & Olson, LLP  
355 South Grand Avenue  
Los Angeles, CA 90071  
(213) 683-9100  
*Attorneys for Plaintiffs*

  
Melinda E. LeMoine

SO ORDERED. 3-3-11

  
Kimba M. Wood  
United States District Judge

Date: