

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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

Plaintiffs,

-against-

LIME WIRE LLC; LIME GROUP LLC; MARK  
GORTON; GREG BILDSON, and M.J.G. LIME  
WIRE FAMILY LIMITED PARTNERSHIP,

Defendants.

ALVIN K. HELLERSTEIN, U.S.D.J.:


On March 1, 2011, District Judge Kimba M. Wood issued an opinion and order reversing in part Magistrate Judge Debra Freeman’s order, dated January 31, 2011, which, in turn, granted in part and denied in part defendants’ motions to compel compliance with subpoenas served on four non-parties, Yahoo!, Inc.; MySpace, Inc.; Google Inc.; and iMesh, Inc. and its wholly owned subsidiary, MusicLab, LLC. Each non-party had lodged separately a written objection to Magistrate Judge Freeman’s order. Judge Wood’s opinion and order addressed and found meritorious the objections filed by Yahoo!, MySpace, and iMesh. However, due to a conflict of interest, Judge Wood recused herself from deciding Google’s objection and instead referred that matter to the undersigned, sitting in Part One.

After an independent review of the record, I conclude that there are no material facts or circumstances to distinguish Google's objection from the objections of the other three non-parties. Because I agree with Judge Wood's analysis, I hereby adopt the reasoning of her opinion and order as my own, and reverse Magistrate Judge Freeman's order insofar as it grants defendants' motion to compel compliance with the subpoena served on non-party Google. I affirm Magistrate Judge Freeman's order insofar as it denies defendants' motion to compel.

SO ORDERED.

Dated:

March 4, 2011  
New York, New York



ALVIN K. HELLERSTEIN  
United States District Judge (Part One)