

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ARISTA RECORDS LLC; ATLANTIC RECORDING CORPORATION; ARISTA MUSIC, fka BMG MUSIC; CAPITOL RECORDS, LLC, 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)
ECF CASE

**DECLARATION OF MELINDA E. LEMOINE IN SUPPORT OF PLAINTIFFS' REPLY
IN SUPPORT OF MOTION *IN LIMINE* TO PRECLUDE EVIDENCE OR ARGUMENT
INCONSISTENT WITH FACTS ESTABLISHED AT SUMMARY JUDGMENT**

1. I am a partner at the law firm of Munger, Tolles & Olson LLP, counsel of record for Plaintiffs. I make this Declaration in support of Plaintiffs' Reply in support of Motion *in Limine* to Preclude Evidence or Argument Inconsistent with Facts Established at Summary Judgment. The contents of this Declaration are based upon my own personal knowledge, and if called upon to do so, I could and would testify competently to the matters stated herein.

2. Attached hereto as Exhibit 1 is a true and correct copy of an excerpt from the transcript of the deposition of Mark Gorton taken on February 7, 2011 in this action.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Dated: March 7, 2011
Los Angeles, CA

s/Melinda E. LeMoine
Melinda E. LeMoine