

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ARISTA RECORDS LLC; ATLANTIC  
RECORDING CORPORATION; ARISTA  
MUSIC, fka BMG MUSIC; 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 GROUP LLC; LIME WIRE LLC; MARK  
GORTON; and M.J.G. LIME WIRE FAMILY  
LIMITED PARTNERSHIP,

Defendants.

ECF Case

06 CV 5936 (KMW)(DF)

Dockets.Justia.com

**DECLARATION OF JOHN R. OLLER**

I, JOHN R. OLLER, hereby declare as follows:

1. I am admitted to practice before this Court and am a member of the law firm of Willkie Farr & Gallagher LLP (“Willkie Farr”), counsel of record for Lime Group LLC, Lime Wire LLC, Mark Gorton, and M.J.G. Lime Wire Family Limited Partnership (collectively, “Defendants”) in the above-captioned action. I submit this Declaration in support of Defendants’ Brief in Opposition to Plaintiffs’ Motion to Preclude Certain Expert Testimony of Aram Sinnreich.

2. Attached hereto as Exhibit A is a true and correct copy of transcript excerpts from a February 18, 2011 Hearing before Hon. Kimba M. Wood.

3. Attached hereto as Exhibit B is a true and correct copy of the Expert Report of Aram Sinnreich, dated January 14, 2011.

4. Attached hereto as Exhibit C is a true and correct copy of transcript excerpts from the deposition of Aram Sinnreich, taken in this action on February 11, 2011.

5. Attached hereto as Exhibit D is a true and correct copy of transcript excerpts from the deposition of Charles Ciongoli, taken in this action on February 1, 2011.

6. Attached hereto as Exhibit E is a true and correct copy of transcript excerpts from the deposition of Thomas Hesse, taken in this action on January 28, 2011.

7. Attached hereto as Exhibit F is a true and correct copy of transcript excerpts from the deposition of Paul Kahn, taken in this action on January 21, 2011.

8. Attached hereto as Exhibit G is a true and correct copy of transcript excerpts from the deposition of Kevin Kelleher, taken in this action on January 26, 2011.

9. Attached hereto as Exhibit H is a true and correct copy of transcript excerpts from the deposition of Stanley Liebowitz, taken in this action on March 1, 2011.

10. Attached hereto as Exhibit I is a true and correct copy of transcript excerpts from the deposition of Steven Macri, taken in this action on January 25, 2011.

11. Attached hereto as Exhibit J is a true and correct copy of transcript excerpts from the deposition of Mark Piibe, taken in this action on January 28, 2011.

12. Attached hereto as Exhibit K is a true and correct copy of transcript excerpts from the deposition of Ron Wilcox, taken in this action on February 2, 2011.

13. Attached hereto as Exhibit L is a true and correct copy of transcript excerpts from the trial testimony of Plaintiffs' witness, Jennifer Pariser, on October 2, 2007, in *Virgin Records, Inc. v. Jammie-Thomas*, No. CV-06-1497 (D. Minn.).

14. Attached hereto as Exhibit M is a true and correct copy of excerpts from a document entitled "Warner Music Group 2010 Annual Report."

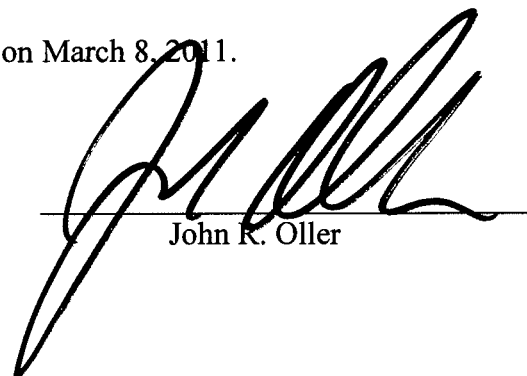
15. Attached hereto as Exhibit N is a true and correct copy of excerpts from a document entitled "Maltby Capital Ltd Annual Review Year ended 31 March 2008."

16. Attached hereto as Exhibit O is a true and correct copy of a document, bates numbered EMI-LW00005833 to EMI-LW00005838, produced by Plaintiffs in discovery in this action.

17. Attached hereto as Exhibit P is a true and correct copy of a document, bates numbered EMI-LW000299527 to EMI-LW000299529, produced by Plaintiffs in discovery in this action.

18. Attached hereto as Exhibit Q is a true and correct copy of excerpts from Plaintiffs' Brief in Opposition to Defendants' Motion to Exclude Testimony of Dr. Stephen M. Nowlis in *Arista Records, Inc. v. Flea World, Inc.*, No. 1:03-cv-02670, Dkt. No. 120 (D.N.J. Nov. 4, 2005).

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on March 8, 2011.

  
John K. Oller