

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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12 Civ. 0095 (RJS)

CAPITOL RECORDS, LLC, CAPITOL  
CHRISTIAN MUSIC GROUP, INC. and  
VIRGIN RECORDS IR HOLDINGS, INC.,

Plaintiffs,

-against-

REDIGI INC., JOHN OSSENMACHER and  
LARRY RUDOLPH a/k/a LAWRENCE S.  
ROGEL,

Defendants.

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**JOINT PROPOSED VOIR DIRE**

Pursuant to Rule 4.C.ii of the Court’s Individual Rules and Practices and the Court’s Order dated October 13, 2015 (Docket No. 177), the parties submit the following proposed *voir dire* questions, with disagreements noted in brackets identifying the proponent.

**I. General Background Questions**

1. How old are you?
2. What is your educational background?
3. What is your occupation? Whom do you work for? (If retired, what was your occupation before retirement?)
4. Where do you live? How long have you lived there? Where did you live previously?
5. What social groups or organizations do you belong to?

6. Do you have any personal hobbies and interests? What are they?
7. What TV shows do you watch?
8. Where do you get your news? What newspapers? What online sources?
9. Have you ever been on a jury before? If so, when? What was the nature of the case you were involved in? What was the outcome? Is there anything about that experience that would influence you in this case?
10. Have you or any member of your household ever been involved in a lawsuit before, other than as a juror? If so, when? What was the nature of the case? What was the outcome? Were you satisfied with the judicial system in that case? If not, was there anything about that experience that would influence you in this case?
11. Have you ever been to law school, studied law, or practiced law? Has any member of your family done so?
12. Have you or any member of your family or household ever been employed in the court system in any position, including law clerk, judge, probation officer, court clerk, court officer, stenographer? If so, would anything about that relationship prevent you from being fair and impartial?
13. Do you have any difficulty reading, speaking or understanding English?
14. Do any of you have problems with your hearing or vision or are you suffering from any disability, or are you taking any medication that would prevent you from understanding or giving full attention to all of the evidence at this trial?
15. Do you have any political, religious, or social beliefs or opinions that will make it difficult for you to judge the facts or apply the law as I describe it to you?

16. Do you use the Internet on a regular basis? How often? What do you use it for?

Do you shop on the Internet?

17. What electronic devices do you own that you use to connect to the Internet?

**II. Questions Specific to This Case**

18. Are you familiar with Plaintiffs Capitol Records, LLC, Capitol, Christian Music Group, Inc., or Virgin Records IR Holdings, Inc.? If so, how do you know them?

19. Have you ever heard of an online music service called “ReDigi”? Have you ever heard of or been to the website located at [www.redigi.com](http://www.redigi.com)?

20. Are you familiar with Defendants ReDigi Inc., John Ossenmacher or Larry Rudolph? If so, how do you know them?

21. Are you familiar with Alasdair McMullan, Mark Piibe, or Colleen Hall, who may be witnesses in this case? If so, how do you know them?

22. Do you know any of the lawyers involved in this case, namely, Richard S. Mandel, Jonathan Z. King, Gary Adelman, or Sarah Matz? If so, how do you know them?

23. Are you familiar with any of the law firms in this case, namely, Cowan, Liebowitz & Latman, P.C. or Adelman Matz, P.C.? If so, how do you know them?

24. Have you ever worked in the music industry? When? In what capacity?

25. Have you ever been responsible for purchasing or licensing music for any purpose?

26. Have you ever written or recorded any music as a performer or composer? Do you or any members of your family or friends earn income as an artist or musician?

27. How do you listen to music, if at all? Do you listen to CDs? Do you listen to traditional or Internet radio? Do you listen to music online, via streaming services? Do you subscribe to any online music services?

28. Do you own music in either physical or electronic forms?

29. How do you obtain music or purchase music? Do you purchase it or download it from iTunes or any other online source?

30. What devices do you use to listen to music? Stereo? iPod or iPhone? MP3 player? Anything else?

31. [DEFENDANTS: Have you ever purchased an E-book on Amazon or any other website that sells E-books?]

32. [DEFENDANTS: If you have purchased a music download or an E-book, where was it downloaded to? Can you listen to it or read it on any other device that you own? For instance, your phone, computer or tablet?]

33. Have any of you ever sent anything to your friends or colleagues, such as videos, recipes, pictures, music, stories, or e-books by email or over the Internet? If so, what sites did you use?

34. Are you a member of any social media group, such as Facebook, Instagram, or Twitter?

35. Have you ever shared or uploaded anything to any of those services?

36. [PLAINTIFFS: Have you ever bought or sold “used” recordings of music? How? Where?]

37. [DEFENDANTS: Now, turning to Physical goods, have you ever bought or sold anything on Ebay, Amazon or any other service that helps people buy and sell goods?]

38. [DEFENDANTS: Have you ever bought or sold anything “used”, either online or at a garage sale or from a friend?]

39. [DEFENDANTS: Have you ever bought or sold, a vinyl record, a recording of music like cd’s, music records or tapes or movie dvd? How? Where?]

40. Have you ever read or seen any news reports about legal disputes concerning the downloading, streaming, sale or distribution of music? What disputes?

41. Have you ever read or seen any news reports about legal disputes concerning file sharing or the distribution of online music? What disputes?

42. Do you know what, if any, verdict was rendered in those disputes? If so what was your opinion about the verdict?

43. Do you have any opinions or biases regarding the record industry or record labels? Regarding the downloading, sale or distribution of music on the Internet?

44. Do you know what a copyright is? Have you ever created or owned a copyright? Have you ever obtained a copyright registration?

45. Are you familiar with copyright law? Do you have any opinions about copyright law? Do you have any opinions about how copyright law applies to the Internet or online music services?

46. Have you, or any member of your family, ever earned any money as royalties from the use of any copyright, trademark, patent, invention, or idea? From the use of music, film, television or books?

47. Have you ever been in a situation where someone used your property or ideas without your permission?

48. [DEFENDANTS: Do you believe that you should be able to re-sell something that you have purchased?]

49. [DEFENDANTS: Even if it is something like a digital book, movie or music file?]

50. Have you or anyone you know ever been employed in the information technology sector? Where? In what capacity?

51. Have you ever thought about starting or planned to create a technology business or an app?

52. Do you have any computer software background? Have you ever written any software code?

53. Have you, or anyone you know, ever been employed at or invested in a start-up company? What circumstances?

54. Do you have any strong feelings or opinions about big companies in general that will affect your ability to render a fair verdict in this case? Does the fact that the plaintiffs are large corporations have any impact on your ability to render a fair verdict in this case?

55. Do you have any feelings or opinions about start-up ventures involved in new technologies that will affect your ability to render a fair verdict in this case?

56. [DEFENDANTS: Does the fact that Defendants were engaged in a new technology business have any impact on your ability to render a fair verdict in this case?]

57. [DEFENDANTS: Are you familiar with the term disruption technology? What does that mean to you?]

58. [DEFENDANTS: Do you believe that UBER, Airbnb, iPods, iPhones are disruption technologies?]

59. [DEFENDANTS: Do you believe that they are bad for society? Explain why or why not.]

60. [DEFENDANTS: Do you think the price of digital music is too high?]

**III. Question on Role of Jury**

61. If you are selected as jurors your duty will be to determine what the facts are from all the testimony that you hear and the exhibits that are submitted during the trial and to apply the rules of law that the Court gives you to the facts as you determine them to be. The jury and the Court have separate and distinct roles at trial. The jurors are the sole determiners of the facts. The Court, however, is the sole determiner of the law, and the Court will advise you that as jurors you will be bound to accept the rules of law that the Court gives to you whether you agree with them or not. Are there any among you who do not understand the distinction between the role of the jury and role of the Court as explained, or feel that you could not discharge your duty as a jury by deciding the facts strictly from the evidence presented and applying those facts to the rules of law as the Court gives them to you?

Dated: March 11, 2016

By:

COWAN, LIEBOWITZ & LATMAN, P.C.

/s/ Richard S. Mandel

Richard S. Mandel, Esq.  
Jonathan Z. King, Esq.  
1133 Avenue of the Americas  
New York, NY 10036-679904  
Tel: (212) 79-9200  
Fax: (212) 575-0671  
jzk@cll.com  
rsm@cll.com

Attorneys for Plaintiff Capitol Records, LLC

ADELMAN MATZ P.C.

/s/ Gary Philip Adelman

Gary Philip Adelman, Esq.  
1173A Second Ave, Suite 153  
New York, NY 10065  
Tel: (646) 650-2207  
Fax: (646) 650-2108  
g@adelmanmatz.com

Attorneys for Defendant ReDigi Inc.

/s/ John Ossenmacher

Defendant John Ossenmacher

/s/ Larry Rudolph

Defendant Larry Rudolph