

April 28, 2016

VIA ELECTRONIC MAIL AND ECF

Hon. Richard J. Sullivan

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Doc. 220

Re: *Capitol Records LLC v. ReDigi Inc., et al.* (12 Civ. 00095) (RJS)

Hon. Judge Sullivan:

We represent the parties in the above-referenced action. We write jointly to respectfully request that the Court restore the above referenced case to the calendar for the purpose of the parties' submitting a proposed stipulated judgment on or before June 3, 2016 in accordance with the private agreement that was discussed with the Court at the April 4, 2016 conference.

The reason for this request is twofold. First, as explained at the April 4, 2016 Conference, in order to avoid the expense and burden of a damages trial, and in the interests of efficiency and judicial economy, the parties reached an agreement concerning the amount of damages and other relief, subject to the Defendants' right to appeal the Court's summary judgment rulings on liability in this matter. As represented by the parties, on or before June 3, 2016, the parties will be sending the Court one of two agreed upon forms of Proposed Stipulated Final Judgments Subject to Reservation of Right to Appeal, the form of which will depend on the contingency that was discussed at the April 4, 2016 conference. The parties did not intend that any of the claims in this action be dismissed with prejudice, as the parties intend to file an agreed upon form of Stipulated Judgment that will set forth the relief the parties have agreed to, subject to Defendants' right to appeal, and Defendants will file their notice of appeal within thirty (30) days from entry of the final judgment or as otherwise ordered by the Court. The parties did not "settle" in the typical sense as the particular form of final judgment remains to be entered, and the Defendants desire to appeal the findings on liability, following entry of such final judgment concerning damages and other relief, which was a material term of the parties' agreement.

Second, depending on which form of judgment is submitted, additional motions may be filed, including for example the Plaintiffs may have the right make an application for attorneys' fees in this action.

In an abundance of caution, in the interests of a clear record for the purposes of timing of filing a notice of appeal and what claims the appeal may be sought in connection with, and to avoid the impression that the parties have agreed to dismiss Plaintiffs' claims with prejudice, the parties are respectfully requesting that the Court restore the case to the docket so that the parties can submit the appropriate Proposed Stipulated Final Judgment Subject to Reservation of Right to Appeal, on or before June 3, 2016, and that all deadlines in this action be stayed until June 3, 2016.

We have attached a proposed order for the Court's convenience in this matter. We greatly appreciate Your Honor's time and consideration in this matter. Should the Court need any further information, we are available at the Court's convenience.

Respectfully Submitted,

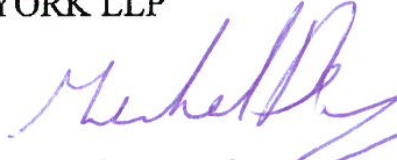
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