

The logo for Mishcon de Reya New York LLP, featuring the firm's name in a serif font with "NEW YORK LLP" in a smaller sans-serif font below it, all on an orange rectangular background.

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BY CM/ECF AND HAND DELIVERY

Hon. Richard J. Sullivan
Thurgood Marshall
United States Courthouse
40 Foley Square
New York, NY 10007-1312

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

Dear Judge Sullivan,

Mishcon de Reya New York LLP (“Mishcon”) is currently counsel of record for defendants ReDigi Inc. (“ReDigi”), John Ossenmacher, and Larry Rudolph (“Defendants”) in the above-referenced action. We write as directed by the Court’s Order of earlier today to show cause why Mishcon should not be sanctioned in light of its failure to appear for the June 29, 2016, 10:30 a.m. conference.

First and foremost, the undersigned attorneys are each deeply embarrassed and sincerely apologize to the Court, Your Honor, opposing counsel, and co-counsel for failing to attend the June 29, 2016 conference.

All attorneys at Mishcon each share a common firm-wide calendar system. However, due to inadvertence on the part of the undersigned, the date and time for the June 29, 2016 conference was not entered into our calendar system. As a result of the error, the undersigned did not realize that the conference was scheduled for today until the Court’s order to show cause was electronically transmitted to them. Please know that counsels’ failure to appear was not an assumption that Mishcon’s motion to withdraw would be granted. Nor was any conscious decision made by counsel to absent themselves from the conference. Rather, each attorney simply failed to realize that the conference was scheduled for today, and had not been calendared, until it was too late.

We assure the Court that this error will not happen again, and we each apologize again for any inconvenience that our oversight may have caused the Court, Your Honor, and any counsel of record.

Respectfully submitted,

/s/ Mark S. Raskin
Mark S. Raskin

/s/ Robert Whitman
Robert Whitman

/s/ Vincent Filardo, Jr.
Vincent Filardo, Jr.

/s/ Michael S. DeVincenzo
Michael S. DeVincenzo

cc: All Counsel (by email)