

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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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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12 Civ. 0095 (RJS)

**DECLARATION OF
RICHARD S. MANDEL, ESQ.**

RICHARD S. MANDEL, pursuant to 28 U.S.C. § 1746, declares as follows:

1. I am a shareholder in the firm of Cowan, Liebowitz & Latman, P.C., which represents Plaintiffs in this action. I submit this declaration in support of Plaintiffs’ motion, pursuant to 28 U.S.C. § 1963, for an order authorizing registration of the Stipulated Judgment in this case in the District Courts in the States of Massachusetts, California and Florida. I have personal knowledge of the facts set forth herein.

2. On June 3, 2016, the Court endorsed a Stipulated Final Judgment in this case (Docket No. 222) (the “Judgment”). The Judgment sets forth the form of injunction to which the parties agreed, preserves Defendants’ right to appeal the Court’s prior liability finding on summary judgment and provides in paragraph 4 for stipulated damages to be awarded against the ReDigi Parties (i.e., ReDigi Inc., John Ossenmacher and Larry Rogel) jointly and severally in the amount of three million five hundred thousand dollars (\$3,500,000).

3. Defendants have filed a Notice of Appeal, but have not posted a bond to secure the damages provided for in the Judgment pending appeal.

4. Following the entry of the Judgment, Plaintiffs retained an investigator to conduct

an investigation into any assets owned by any of the Defendants who are liable to Plaintiffs for the \$3.5 million in damages.

5. The investigation did not reveal any assets owned by any of the Defendants within New York. To the best of Plaintiffs' knowledge and belief, based on the investigation as well as prior dealings with the Defendants in this case, none of the Defendants reside in New York. Accordingly, it appears that any assets which they may own are not located in the State of New York.

6. According to Plaintiffs' investigation, Lawrence Rogel resides at 115 Stedman St., Brookline, Massachusetts in a home that he and his wife own and that is believed to have a value in excess of \$1 million. It also appears that Mr. Rogel (also known as Larry Rudolph) is employed as a professor and/or principal research scientist at MIT in Cambridge, Massachusetts, according to his autobiography accessible on MIT's website (<http://people.csail.mit.edu/rudolph/>). Based on the foregoing, Plaintiffs have reason to believe that any assets that Mr. Rogel may own are likely to be located in Massachusetts, where Mr. Rogel appears to reside, work and own real property.

7. According to Plaintiffs' investigation, it does not appear that the corporate entity ReDigi Inc. currently has an active address for the operation of its business. However, the entity is registered with the Massachusetts Secretary of State as a foreign entity (registered in the State of Delaware) having a principal office address of 800 Boylston Street, 16th Floor, Boston, Massachusetts 02199. There is also a listed address for the company's registered agent, officers and directors at 1 Broadway, 14th Floor, Cambridge, Massachusetts 02142, an address which the individual defendants listed for themselves (c/o ReDigi Inc.) in the Joint Pre-Trial Order filed in this case in March 2016. See Docket No. 192 at p. 2. As it appears that ReDigi Inc. was based

out of Massachusetts when it was operational, Plaintiffs have reason to believe that any assets owned by ReDigi Inc. are likely to be located in Massachusetts.

8. Plaintiffs' investigation was unable to verify a current address for John Ossenmacher, as Mr. Ossenmacher has been associated with a number of different addresses in the States of Florida and California, some of which appear to be UPS drop box locations. Mr. Ossenmacher has used the address 102 NE 2nd Street, #261, Boca Raton, Florida on two vehicles registered in his name. Mr. Ossenmacher also has an active voter registration status in Florida listing an address at 401 S Country Rd #3209, Palm Beach, Florida 33480. It appears that both of those Florida addresses are Post Office or UPS locations. According to plaintiffs' investigation, the most recent address reported for Mr. Ossenmacher is at 27960 Cabot Rd., #720, Laguna Niguel, CA 92677 and that address appeared to be current as of last month. There are a number of other monetary judgments that have been entered against Mr. Ossenmacher listing other addresses in California. Based on the foregoing, Plaintiffs have reason to believe that Mr. Ossenmacher resides in California and/or Florida and that any assets he may have would be likely to be found there.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT. EXECUTED ON JULY 8, 2016 AT NEW YORK, NEW YORK.



RICHARD S. MANDEL