

Baker & Hostetler LLP

11601 Wilshire Boulevard
Suite 1400
Los Angeles, CA 90025-0509

T 310.820.8800
F 310.820.8859
www.bakerlaw.com

C. Dennis Loomis
direct dial: 310.442.8865
cdloomis@bakerlaw.com

December 9, 2016

VIA ECF

Hon. Richard J. Sullivan, U.S.D.J.
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007

Re: Capital Records, LLC v. ReDigi Inc., et al.
Case No. 12 cv. 0095 (RJS): Second Report on Status of Bankruptcy Automatic Stay

Dear Judge Sullivan:

Pursuant to your Order entered on August 8, 2016, on behalf of defendants and appellants ReDigi, Inc., John Ossenmacher and Larry Rogel, aka Larry Rudolf (collectively, "Appellants") in the above action, we submit this Second Report on the status of the automatic stay implemented upon the filing of the Chapter 11 bankruptcy case filed by ReDigi, Inc. and John Ossenmacher (collectively, the "Petitioners") on August 3, 2016 in the Southern District of Florida, Case No. 18-20809-PGH (the "Bankruptcy").

On November 21, 2016, the Bankruptcy Court entered its Order, pursuant to the consent of both Petitioners and plaintiffs Capitol Records et al., to lift the stay to allow the appeal to proceed in the Second Circuit.

Pursuant to the Order of the Second Circuit, Appellants shall file on or before December 13, 2016, their Scheduling Notification, pursuant to which the Second Circuit will reset a briefing schedule for the appeal.

On this date, Appellants separately filed with this Court their pre-motion letter in connection with Appellants' request that documents originally filed by ReDigi, Inc. in 2012 under seal in connection with briefing on the parties cross-motions for summary judgment, now be unsealed and made publicly available. This request is based on the fact that the subject ReDigi documents are no longer confidential or otherwise no longer require or warrant protection from public disclosure.

Atlanta Chicago Cincinnati Cleveland Columbus Costa Mesa Denver
Houston Los Angeles New York Orlando Philadelphia Seattle Washington, DC

Hon. Richard J. Sullivan, U.S.D.J.
December 9, 2016
Page 2

For the Court's information, this firm has been engaged by Appellants for the limited purpose of prosecuting Appellants' appeal from the judgment entered in this action, including all actions necessary and appropriate to that undertaking. As such, we will not be appearing or filing papers on behalf of Appellants in opposition to the pending motion by plaintiffs Capitol Records, et al, for an award of attorneys' fees.

Sincerely,

Baker & Hostetler LLP

/s/ C. Dennis Loomis

C. Dennis Loomis
Partner

cc: All Parties Receiving Notice via ECF