



Cowan, Liebowitz & Latman, P.C.
114 West 47th Street
New York, NY 10036
(212) 790-9200 Tel
(212) 575-0671 Fax
www.cll.com

Richard S. Mandel
(212) 790-9291
rsm@cll.com

December 13, 2016

VIA ECF and EMAIL

Hon. Richard J. Sullivan
United States Courthouse
40 Foley Square, Room 2104
New York, NY 10007

Re: Capitol Records, LLC v. ReDigi Inc., 12 cv. 0095 (RJS)

Dear Judge Sullivan:

We represent Plaintiffs in the above-referenced action and write in response to the letter of December 9, 2016 from C. Dennis Loomis, counsel for the Defendants in connection with their appeal to the Second Circuit. While Plaintiffs have no objection to the unsealing of documents containing ReDigi's own previously designated confidential material, the relief as requested in Mr. Loomis' letter would have the effect of also unsealing documents containing information that has been designated as confidential by Plaintiffs. To avoid any possible misunderstanding or inadvertent disclosure of information which should continue to be treated as confidential in accordance with the Court's prior orders granting Plaintiffs' sealing motions (Docket Nos. 71 and 102), Plaintiffs write to clarify those documents referenced in Defendants' letter that should continue to be sealed.

In addition to Exhibit 6 to Docket No. 57 (Declaration of Gary Adelman in Support of Defendant's Motion for Summary Judgment), which Defendants acknowledge in Mr. Loomis' letter should remain under seal, the following documents that are the subject of Defendants' motion include information designated as confidential by Capitol and should remain under seal:

Docket No. 74 Exhibit 3 (exhibit from deposition of Mark Piibe attached to declaration of Richard S. Mandel, Esq.)

Docket No. 76 (Plaintiff's Memorandum of Law in Opposition to Defendant's Motion for Summary Judgment)

Docket No. 78 (Plaintiff's Response to Defendant's Statement of Undisputed Facts Pursuant to Local Rule 56.1)

Docket No. 90 (Reply Memorandum of Law in Further Support of ReDigi's Summary Judgment Motion)

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Docket No. 91 Exhibit 1 (Reply Declaration of Gary Adelman in Support of Defendant's Motion for Summary Judgment)

Plaintiffs are prepared to provide complete unredacted copies of the foregoing documents containing their confidential information to Defendants' appellate counsel so long as an amended protective order is entered by the Court and signed by Defendants' appellate counsel binding them to the terms of the protective order currently in place.

We thank the Court for its attention to the foregoing and are available to discuss these issues further if the Court so requests.

Respectfully,



Richard S. Mandel

cc: All Parties Receiving Notice via ECF