

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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| CAPITOL RECORDS, LLC, | : | 12 Civ. 0095 (RJS) |
| | : | |
| Plaintiff, | : | |
| | : | DECLARATION OF |
| -against- | : | COLLEEN HALL |
| | : | IN SUPPORT OF PLAINTIFF'S |
| REDIGI INC., | : | MOTION FOR PARTIAL |
| | : | <u>SUMMARY JUDGMENT</u> |
| Defendant. | : | |
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COLLEEN HALL, pursuant to 28 U.S.C. § 1746, declares as follows:

1. I am a paralegal for EMI Music North America. I submit this declaration in support of the motion for partial summary judgment by Plaintiff Capitol Records, LLC ("Capitol"). I have personal knowledge of the facts set forth herein.
2. During December 2011, I visited Defendant's website located at www.redigi.com (the "ReDigi Site"), signed up for a user account and searched on the ReDigi Site for Capitol recordings that were being offered for sale.
3. During my searching on the ReDigi Site, I located each of the recordings listed in Exhibit A to the Complaint in this action being offered for sale as a "used" recording. I also located the recordings "What A Little Moonlight Can Do" by Peggy Lee and "The Christmas Song (Merry Christmas To You)" by Nat King Cole being offered for sale on the ReDigi Site as "used" recordings.
4. In December 2011, I purchased on the ReDigi Site each of the recordings referenced in paragraph 3 above as "used" recordings. After purchase, I downloaded each of those recordings from the ReDigi Site on to the hard drive of my computer at work. I listened to each of those recordings and verified that they were the actual recordings owned and distributed

by Capitol.

5. I have reviewed Exhibit M to the Declaration of Richard S. Mandel submitted in support of Capitol's summary judgment motion, which is a document that I understand was produced by ReDigi in this case identifying each instance in which a recording believed to be owned by Capitol was sold through the ReDigi website. The document identifies numerous purchases of recordings that I never purchased on the ReDigi Site, including, for example, "Princess of China" and "Yes" by Coldplay; "Wichita Lineman" by Glen Campbell; and "Littlest Things" by Lily Allen.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT. EXECUTED ON JULY 20, 2012 IN NEW YORK, NEW YORK.



COLLEEN HALL