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MEMO ENDORSED

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August 28, 2012

By Email

Hon. Richard J. Sullivan
United States District Judge
United States Courthouse
500 Pearl Street, Room 640
New York, NY 10007

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

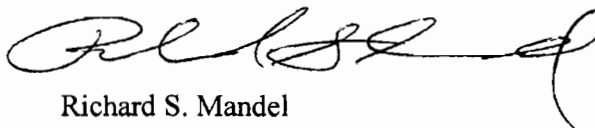
Dear Judge Sullivan:

We represent Plaintiff Capitol Records, LLC ("Capitol") in the above-referenced action. Although Defendant ReDigi Inc. ("ReDigi") has not filed a formal motion with the Court seeking to strike or exclude the declaration of Doug Jacobson submitted by Capitol in opposition to ReDigi's motion for summary judgment, ReDigi has asked the Court in its reply brief in support of its summary judgment motion to exclude such declaration.


Because Capitol does not wish to burden the Court with additional submissions beyond the extensive papers already filed on the parties' cross-motions, it simply wishes to refer the Court to its previously submitted letter of August 20, 2012 (written in response to ReDigi's request for an extension of the page limit for its reply brief) in which Capitol addresses the reasons why ReDigi's attempt to exclude the Jacobson declaration is without merit.

Of course, Capitol would be prepared to address this issue in further detail in the event the Court prefers a formal motion and briefing process with respect to ReDigi's request.

Respectfully,


Richard S. Mandel

cc: Gary Adelman, Esq. (by email)

SO ORDERED
Dated: 8/28/12

RICHARD J. SULLIVAN
U.S.D.J.