

**IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION**

UMG RECORDINGS, INC., <i>et al.</i>,)	
)	
Plaintiffs,)	CV 05-MHT-0600-VPM
)	
v.)	
)	
JAMIE HEARD,)	
)	
Defendant.)	

DEFENDANT S FIRST REQUEST FOR INTERROGATORIES

COMES NOW Jamie Heard, Defendant in the above-styled action (Mr. Heard or Defendant), and, pursuant to Rules 26 and 33 of the Alabama Rules of Civil Procedure, hereby requests that Plaintiffs provide Defendant with their written and/or typed responses to this Request for Interrogatories within thirty (30) days after the date indicated below on this Document s Certificate of Service:

I. DOCUMENT ENCOMPASSMENT

As used herein, the term document shall include writings, notes, drafts, outlines, recordings and files, regardless of storage media; they include, but are not limited to, writings contained on paper, recordable tape, celluloid, disks, hard drives, electronic mail servers or any other digitally stored media. The term document shall also include the full range of writings described in Rule 1001 of the Federal Rules of Evidence.

The requests listed herein include: writings, notes, drafts, outlines, recordings and files, regardless of storage media; they included, but were not limited to: writings contained on paper,

recordable tape, celluloid, disks, hard drives, electronic mail servers and any other digitally stored media.

II. SPECIAL INSTRUCTIONS REGARDING ELECTRONIC DATA

L. In those instances when requested information is stored only on software or other data compilations, Defendant should either produce the raw data along with all codes and programs from translating it into usable form or produce the information in a finished usable form, which would include all necessary glossaries, keys and indices for interpretation of the material.

M. The Requests stated herein include all electronic data generated, stored or accessible by your computer system. Plaintiffs consider electronic data to be an irreplaceable source of evidence in this matter. In addition to discovery of all tangible forms of evidence, therefore, Plaintiffs request access to your computer system for nondestructive retrieval of relevant electronic data. Accordingly, pending an agreement of the parties as to the timing and procedure for examining your computer system, or an order by the Court regarding same, Plaintiffs will insist that the following safeguards against the destruction of evidence be maintained until the final resolution of this issue:

N. On-Line Data Storage on Mainframes and Minicomputers: With regard to on-line storage or direct access storage devices attached to your mainframe computer or minicomputer: Do not modify or delete any electronic data files existing at the time these discovery request are served that are or may be responsive to any of the requests enumerated below, unless a true and correct copy of each such electronic data file has been made and steps have been taken to assure that such a copy will be preserved and accessible for purposes of this lawsuit.

O. Off-Line Data Storage, Backups and Archives, Floppy Diskettes, Tapes and Other Removable Electronic Media: With regard to all electronic media used for off-line storage, including magnetic tapes and cartridges and other media, which at the time of this discovery request is served contain any electronic data responsive to any of the request enumerated below: Stop any activity which may result in the loss of such electronic data, including rotation, destruction, overwriting or erasure of such media in whole or in part. This special instruction is intended to cover all removable electronic media used for data storage in connection with your computer system, including magnetic tapes and cartridges, magneto-optical disks, floppy diskettes, and all other media, whether used with personal computers, minicomputers or mainframes or other computers, and whether containing backup or archive data sets and other electronic data, for your computer system.

P. Replacement of Data Storage Devices: Do not dispose of any electronic data storage devices or media which may be replaced due to failure or upgrade or other reasons that may contain electronic data meeting the criteria listed in paragraph 2 above.

Q. Fixed Drives on Stand-Alone Personal Computers and Network Workstations: With regard to electronic data that is responsive to any of the requests enumerated below, which exist on fixed drives attached to stand-alone microcomputers or network workstations at the time this discovery request is served: Do not alter or erase such electronic data, and do not perform other procedures (such as data compression and disk de-fragmentation or optimization routines) which may affect such data, unless a true and correct copy has been made of such active files and of completely restored versions of such deleted electronic files and file fragments, copies have been made of all directory listings (including hidden files) for all directories and subdirectories

containing such files, and arrangements have been made to preserve copies during the pendency of this lawsuit.

R. Programs and Utilities: Preserve copies of all application programs and utilities, which may be used to process electronic data covered by the requests enumerated below.

S. Log of System Modifications: Maintain an activity log to document modifications made to any electronic data processing system that may affect the system's capability to process any electronic data that is responsive to any of the requests enumerated below, regardless of whether such modifications were made by employees, contractors, vendors or any other third parties.

T. Personal Computers Used by You: The following steps should immediately be taken in regard to all personal computers used by you or any assistant or person working at your direction, or its secretaries and assistants.

1. As to fixed drives attached to such computers: (i) a true and correct copy should be made of all electronic data on such fixed drives that is responsive to any of the requests enumerated below, including all active files completely restored versions of all deleted electronic files and file fragments; (ii) full directory listings (including hidden files) for all directories and subdirectories (including hidden directories) on such fixed drives should be written; and (iii) such copies and listings should be preserved until this matter reaches its final resolution.

2. All floppy diskettes, magnetic tapes and cartridges, and other media used in connection with such computers prior to the date of service of these discovery requests

containing any electronic data that is responsive to any of the requests enumerated below, should be collected and put into storage for the duration of this lawsuit.

III. SPECIFIC INTERROGATORY REQUESTS

THE FOLLOWING INTERROGATORIES are to be answered by Plaintiffs separately and under oath within the time permitted by law. The requested information must be provided regardless of whether it is possessed by Plaintiffs personally or by agents, employees, representatives or persons acting on behalf of Plaintiffs. If you (Plaintiffs) or anyone acting on your behalf should discover any new information or should change a position, you are obligated to supplement your answers within the time permitted by law.

REQUEST NO. 1:

State your full name, date of birth, address and occupation; also state the name, address, occupation and relationship to the parties of each individual who assisted the answering of these interrogatories.

REQUEST NO. 2:

Before answering these interrogatories, state whether or not you have:

A. Made a due and diligent search of all related documents, books, reports, memos, photos and writings within your possession or under your control, in order to obtain information with respect to this action. If not, please explain why not.

B. Made a due and diligent inquiry of your employees, friends, relatives and those persons available to assist you in order to obtain information with respect to this action. If not, please explain why not.

REQUEST NO. 3:

State the full name, address, telephone number, occupation, and relationship, if any, to the other parties, of each person who has knowledge, information or evidence that the computer with IP Address 24.178.134.148 offered five-hundred-twenty-six (526) audio and music files, most of them copyrighted music files, for distribution using the KaZaA peer-to-peer software program on August 21, 2004, starting at or around 6:55 a.m. (EDT) through at least 8:31 a.m. (EDT).

REQUEST NO. 4:

Do any of your agents, employees, former agents or former employees possess any information, facts, writings or evidence relating to this litigation that has not been fully and completely disclosed during your prior answers to these interrogatories? If your answer to this question is anything other than an unequivocal No, please identify each and every such item of information, fact, writing or evidence specifically and in detail, and in addition, identify the person or persons possessing such information by stating each person's name, address, title, and relationship to the parties herein.

REQUEST NO. 5:

Describe in detail the process known in peer-to-peer security parlance as Data Mining.

REQUEST NO. 6:

Describe in detail the item known in peer-to-peer security parlance as a MediaDecoy.

REQUEST NO. 7:

In Paragraph 12 of your Complaint, you allege: Plaintiffs are, and at all relevant times have been, the copyright owners or licensees of exclusive rights under United States copyright with respect to certain copyrighted sound recordings (the Copyrighted Recordings). The

Copyrighted Recordings include but are not limited to each of the copyrighted sound recordings identified in Exhibit A attached [to Plaintiffs Complaint], each of which is the subject of a valid Certificate of Copyright Registration issued by the Register of Copyrights. Are you, or any agents, employees or persons acting on your behalf, aware of any fact, observation, document, or item of evidence that, either directly or indirectly, supports or proves this allegation? If your answer is anything other than an unqualified No, then for each and every such fact, observation, document, and item of evidence, separately set forth the following information fully, specifically, and in detail:

- A. A detailed description of the fact, observation, document, or item of evidence, setting forth names, dates, times, places and any other information that might assist the identification and location of the information.
- B. The name, address, telephone number or other means of identification of each person who has possession or first hand knowledge of the subject fact, observation, document, or item of evidence, and that person's relationships to the parties herein.
- C. If the information is in the form of a writing, please identify the writing by stating its date, author, signatories, purpose, the person to whom it was directed, and a summary of its contents. Also indicate the name and address of each person who possesses an original or copy.
- D. The method or manner by which you obtained knowledge of this information, setting forth, names, dates, times, places and any other details that relate to the manner in which you obtained such knowledge.

E. If the subject information is documentary, will you please without a motion to produce, attach a copy to your answers to these interrogatories.

REQUEST NO. 8:

In Paragraph 12 of your Complaint, you allege: In addition to the sound recordings listed on Exhibit A, Copyrighted Recordings also include certain of the sound recordings listed on Exhibit B [to Plaintiffs Complaint] which are owned by or exclusively licensed to one or more of the Plaintiffs or Plaintiffs affiliate record labels, and which are subject to valid Certificates of Copyright Registration issued by the Register of Copyrights. Are you, or any agents, employees or persons acting on your behalf, aware of any fact, observation, document, or item of evidence that, either directly or indirectly, supports or proves this allegation? If your answer is anything other than an unqualified No, then for each and every such fact, observation, document, and item of evidence, separately set forth the following information fully, specifically, and in detail:

A. A detailed description of the fact, observation, document, or item of evidence, setting forth names, dates, times, places and any other information that might assist the identification and location of the information.

B. The name, address, telephone number or other means of identification of each person who has possession or first hand knowledge of the subject fact, observation, document, or item of evidence, and that person s relationships to the parties herein.

C. If the information is in the form of a writing, please identify the writing by stating its date, author, signatories, purpose, the person to whom it was directed,

and a summary of its contents. Also indicate the name and address of each person who possesses an original or copy.

D. The method or manner by which you obtained knowledge of this information, setting forth, names, dates, times, places and any other details that relate to the manner in which you obtained such knowledge.

E. If the subject information is documentary, will you please without a motion to produce, attach a copy to your answers to these interrogatories.

REQUEST NO. 9:

In Paragraph 14 of your Complaint, you allege: Plaintiffs are informed and believe that Defendant, without permission or consent of Plaintiffs, has used, and continues to use, an online media distribution system to download the Copyrighted Recordings, to distribute the Copyrighted Recordings to the public, and/or to make the Copyrighted Recordings available for distribution to others. Are you, or any agents, employees or persons acting on your behalf, aware of any fact, observation, document, or item of evidence that, either directly or indirectly, supports or proves this allegation? If your answer is anything other than an unqualified No, then for each and every such fact, observation, document, and item of evidence, separately set forth the following information fully, specifically, and in detail:

A. A detailed description of the fact, observation, document, or item of evidence, setting forth names, dates, times, places and any other information that might assist the identification and location of the information.

B. The name, address, telephone number or other means of identification of each person who has possession or first hand knowledge of the subject fact,

observation, document, or item of evidence, and that person's relationships to the parties herein.

C. If the information is in the form of a writing, please identify the writing by stating its date, author, signatories, purpose, the person to whom it was directed, and a summary of its contents. Also indicate the name and address of each person who possesses an original or copy.

D. The method or manner by which you obtained knowledge of this information, setting forth, names, dates, times, places and any other details that relate to the manner in which you obtained such knowledge.

E. If the subject information is documentary, will you please without a motion to produce, attach a copy to your answers to these interrogatories.

REQUEST NO. 10:

In Paragraph 16 of your Complaint, you allege: Plaintiffs are informed and believe that the foregoing acts of infringement have been willful and intentional, in disregard of and with indifference to the rights of Plaintiffs. Are you, or any agents, employees or persons acting on your behalf, aware of any fact, observation, document, or item of evidence that, either directly or indirectly, supports or proves this allegation? If your answer is anything other than an unqualified No, then for each and every such fact, observation, document, and item of evidence, separately set forth the following information fully, specifically, and in detail:

A. A detailed description of the fact, observation, document, or item of evidence, setting forth names, dates, times, places and any other information that might assist the identification and location of the information.

B. The name, address, telephone number or other means of identification of each person who has possession or first hand knowledge of the subject fact, observation, document, or item of evidence, and that person's relationships to the parties herein.

C. If the information is in the form of a writing, please identify the writing by stating its date, author, signatories, purpose, the person to whom it was directed, and a summary of its contents. Also indicate the name and address of each person who possesses an original or copy.

D. The method or manner by which you obtained knowledge of this information, setting forth, names, dates, times, places and any other details that relate to the manner in which you obtained such knowledge.

E. If the subject information is documentary, will you please without a motion to produce, attach a copy to your answers to these interrogatories.

REQUEST NO. 11:

In Paragraph 18 of your Complaint, you allege: The conduct of Defendant is causing and, unless enjoined and restrained by this Court, will continue to cause Plaintiffs great and irreparable injury that cannot fully be compensated or measured in money. Plaintiffs have no adequate remedy at law. Are you, or any agents, employees or persons acting on your behalf, aware of any fact, observation, document, or item of evidence that, either directly or indirectly, supports or proves this allegation? If your answer is anything other than an unqualified No, then for each and every such fact, observation, document, and item of evidence, separately set forth the following information fully, specifically, and in detail:

- A. A detailed description of the fact, observation, document, or item of evidence, setting forth names, dates, times, places and any other information that might assist the identification and location of the information.
- B. The name, address, telephone number or other means of identification of each person who has possession or first hand knowledge of the subject fact, observation, document, or item of evidence, and that person s relationships to the parties herein.
- C. If the information is in the form of a writing, please identify the writing by stating its date, author, signatories, purpose, the person to whom it was directed, and a summary of its contents. Also indicate the name and address of each person who possesses an original or copy.
- D. The method or manner by which you obtained knowledge of this information, setting forth, names, dates, times, places and any other details that relate to the manner in which you obtained such knowledge.
- E. If the subject information is documentary, will you please without a motion to produce, attach a copy to your answers to these interrogatories.

REQUEST NO. 12:

With respect to Paragraph 12 of your Complaint which alleged that Plaintiffs are, and at all relevant times have been, the copyright owners or licensees of exclusive rights under United States copyright with respect to certain copyrighted sound recordings (the Copyrighted Recordings). The Copyrighted Recordings include but are not limited to each of the copyrighted sound recordings identified in Exhibit A attached [to Plaintiffs Complaint], each of which is the

subject of a valid Certificate of Copyright Registration issued by the Register of Copyrights, are you, or any agents or persons acting on your behalf, aware of any fact, observation, document, or item of evidence that, either directly or indirectly, contradicts that particular paragraph? If your answer is anything other than an unqualified No, then for each and every such fact, observation, document, and item of evidence, please set forth the following information separately, specifically and in detail:

- A. A detailed description of the fact, observation, document, or item of evidence, setting forth names, dates, times, places and any other information that might assist the identification and location of the subject information.
- B. The name, address, telephone number or other means of identification of each person who has possession or first hand knowledge of the subject fact, observation, document, or item of evidence, and that person's relationships to the parties herein.
- C. The method or manner by which you obtained knowledge of this information, setting forth, names, dates, times, places and any other details that relate to the manner in which you obtained such knowledge.
- D. If the information is in the form of a writing, please identify the writing by stating its date, author, signatories, purpose, the person to whom it was directed, and a summary of its contents. Also indicate the name and address of each person who possesses an original or copy.
- E. If the subject information is documentary, will you please without a motion to produce, attach a copy to your answers to these interrogatories.

REQUEST NO. 13:

With respect to Paragraph 12 of your Complaint which alleged that [i]n addition to the sound recordings listed on Exhibit A, Copyrighted Recordings also include certain of the sound recordings listed on Exhibit B [to Plaintiffs Complaint] which are owned by or exclusively licensed to one or more of the Plaintiffs or Plaintiffs affiliate record labels, and which are subject to valid Certificates of Copyright Registration issued by the Register of Copyrights, are you, or any agents or persons acting on your behalf, aware of any fact, observation, document, or item of evidence that, either directly or indirectly, contradicts that particular paragraph? If your answer is anything other than an unqualified No, then for each and every such fact, observation, document, and item of evidence, please set forth the following information separately, specifically and in detail:

- A. A detailed description of the fact, observation, document, or item of evidence, setting forth names, dates, times, places and any other information that might assist the identification and location of the subject information.
- B. The name, address, telephone number or other means of identification of each person who has possession or first hand knowledge of the subject fact, observation, document, or item of evidence, and that person s relationships to the parties herein.
- C. The method or manner by which you obtained knowledge of this information, setting forth, names, dates, times, places and any other details that relate to the manner in which you obtained such knowledge.
- D. If the information is in the form of a writing, please identify the writing by

stating its date, author, signatories, purpose, the person to whom it was directed, and a summary of its contents. Also indicate the name and address of each person who possesses an original or copy.

E. If the subject information is documentary, will you please without a motion to produce, attach a copy to your answers to these interrogatories.

REQUEST NO. 14:

With respect to Paragraph 14 of your Complaint which alleged that Plaintiffs are informed and believe that Defendant, without permission or consent of Plaintiffs, has used, and continues to use, an online media distribution system to download the Copyrighted Recordings, to distribute the Copyrighted Recordings to the public, and/or to make the Copyrighted Recordings available for distribution to others, are you, or any agents or persons acting on your behalf, aware of any fact, observation, document, or item of evidence that, either directly or indirectly, contradicts that particular paragraph? If your answer is anything other than an unqualified No, then for each and every such fact, observation, document, and item of evidence, please set forth the following information separately, specifically and in detail:

A. A detailed description of the fact, observation, document, or item of evidence, setting forth names, dates, times, places and any other information that might assist the identification and location of the subject information.

B. The name, address, telephone number or other means of identification of each person who has possession or first hand knowledge of the subject fact, observation, document, or item of evidence, and that person's relationships to the parties herein.

C. The method or manner by which you obtained knowledge of this information, setting forth, names, dates, times, places and any other details that relate to the manner in which you obtained such knowledge.

D. If the information is in the form of a writing, please identify the writing by stating its date, author, signatories, purpose, the person to whom it was directed, and a summary of its contents. Also indicate the name and address of each person who possesses an original or copy.

E. If the subject information is documentary, will you please without a motion to produce, attach a copy to your answers to these interrogatories.

REQUEST NO. 15:

With respect to Paragraph 16 of your Complaint which alleged that Plaintiffs are informed and believe that the foregoing acts of infringement have been willful and intentional, in disregard of and with indifference to the rights of Plaintiffs, are you, or any agents or persons acting on your behalf, aware of any fact, observation, document, or item of evidence that, either directly or indirectly, contradicts that particular paragraph? If your answer is anything other than an unqualified No, then for each and every such fact, observation, document, and item of evidence, please set forth the following information separately, specifically and in detail:

A. A detailed description of the fact, observation, document, or item of evidence, setting forth names, dates, times, places and any other information that might assist the identification and location of the subject information.

B. The name, address, telephone number or other means of identification of each person who has possession or first hand knowledge of the subject fact,

observation, document, or item of evidence, and that person's relationships to the parties herein.

C. The method or manner by which you obtained knowledge of this information, setting forth, names, dates, times, places and any other details that relate to the manner in which you obtained such knowledge.

D. If the information is in the form of a writing, please identify the writing by stating its date, author, signatories, purpose, the person to whom it was directed, and a summary of its contents. Also indicate the name and address of each person who possesses an original or copy.

E. If the subject information is documentary, will you please without a motion to produce, attach a copy to your answers to these interrogatories.

REQUEST NO. 16:

With respect to Paragraph 18 of your Complaint which alleged that [t]he conduct of Defendant is causing and, unless enjoined and restrained by this Court, will continue to cause Plaintiffs great and irreparable injury that cannot fully be compensated or measured in money. Plaintiffs have no adequate remedy at law, are you, or any agents or persons acting on your behalf, aware of any fact, observation, document, or item of evidence that, either directly or indirectly, contradicts that particular paragraph? If your answer is anything other than an unqualified No, then for each and every such fact, observation, document, and item of evidence, please set forth the following information separately, specifically and in detail:

A. A detailed description of the fact, observation, document, or item of evidence, setting forth names, dates, times, places and any other information that

might assist the identification and location of the subject information.

B. The name, address, telephone number or other means of identification of each person who has possession or first hand knowledge of the subject fact, observation, document, or item of evidence, and that person's relationships to the parties herein.

C. The method or manner by which you obtained knowledge of this information, setting forth, names, dates, times, places and any other details that relate to the manner in which you obtained such knowledge.

D. If the information is in the form of a writing, please identify the writing by stating its date, author, signatories, purpose, the person to whom it was directed, and a summary of its contents. Also indicate the name and address of each person who possesses an original or copy.

E. If the subject information is documentary, will you please without a motion to produce, attach a copy to your answers to these interrogatories.

REQUEST NO. 17:

In Paragraph 15 on Page 6 the Affidavit and Expert Report of Dr. Doug Jacobson, Ph.D., CFCE, under the Heading Conclusions, Plaintiffs proposed Expert Witness for this case alleged: Defendant's Internet account and computer were used to download and upload Copyrighted music from the Internet using the KaZaA peer-to-peer network. Are you, or any agents, employees or persons acting on your behalf, aware of any fact, observation, document, or item of evidence that, either directly or indirectly, supports or proves this allegation? If your answer is anything other than an unqualified No, then for each and every such fact,

observation, document, and item of evidence, separately set forth the following information fully, specifically, and in detail:

- A. A detailed description of the fact, observation, document, or item of evidence, setting forth names, dates, times, places and any other information that might assist the identification and location of the information.
- B. The name, address, telephone number or other means of identification of each person who has possession or first hand knowledge of the subject fact, observation, document, or item of evidence, and that person's relationships to the parties herein.
- C. If the information is in the form of a writing, please identify the writing by stating its date, author, signatories, purpose, the person to whom it was directed, and a summary of its contents. Also indicate the name and address of each person who possesses an original or copy.
- D. The method or manner by which you obtained knowledge of this information, setting forth, names, dates, times, places and any other details that relate to the manner in which you obtained such knowledge.
- E. If the subject information is documentary, will you please without a motion to produce, attach a copy to your answers to these interrogatories.

REQUEST NO. 18:

In Paragraph 18 of Page 6 the Affidavit and Expert Report of Dr. Doug Jacobson, Ph.D., CFCE, under the Heading Conclusions, Plaintiffs proposed Expert Witness for this case alleged: the computer with IP address 24.178.134.148 offered 526 audio and music files, most

of them are copyrighted music files, for distribution using the KaZaA program on 8/21/2004 starting at or around 6:55:20 AM EDT through at least 8:31:50 AM EDT. Are you, or any agents, employees or persons acting on your behalf, aware of any fact, observation, document, or item of evidence that, either directly or indirectly, supports or proves this allegation? If your answer is anything other than an unqualified No, then for each and every such fact, observation, document, and item of evidence, separately set forth the following information fully, specifically, and in detail:

- A. A detailed description of the fact, observation, document, or item of evidence, setting forth names, dates, times, places and any other information that might assist the identification and location of the information.
- B. The name, address, telephone number or other means of identification of each person who has possession or first hand knowledge of the subject fact, observation, document, or item of evidence, and that person's relationships to the parties herein.
- C. If the information is in the form of a writing, please identify the writing by stating its date, author, signatories, purpose, the person to whom it was directed, and a summary of its contents. Also indicate the name and address of each person who possesses an original or copy.
- D. The method or manner by which you obtained knowledge of this information, setting forth, names, dates, times, places and any other details that relate to the manner in which you obtained such knowledge.
- E. If the subject information is documentary, will you please without a

motion to produce, attach a copy to your answers to these interrogatories.

REQUEST NO. 19:

In Paragraph 22 of Page 7 the Affidavit and Expert Report of Dr. Doug Jacobson, Ph.D., CFCE, under the Heading Conclusions, Plaintiffs proposed Expert Witness for this case alleged: the music found on the Defendant s computer was downloaded from other users on the Internet. Are you, or any agents, employees or persons acting on your behalf, aware of any fact, observation, document, or item of evidence that, either directly or indirectly, supports or proves this allegation? If your answer is anything other than an unqualified No, then for each and every such fact, observation, document, and item of evidence, separately set forth the following information fully, specifically, and in detail:

- A. A detailed description of the fact, observation, document, or item of evidence, setting forth names, dates, times, places and any other information that might assist the identification and location of the information.
- B. The name, address, telephone number or other means of identification of each person who has possession or first hand knowledge of the subject fact, observation, document, or item of evidence, and that person s relationships to the parties herein.
- C. If the information is in the form of a writing, please identify the writing by stating its date, author, signatories, purpose, the person to whom it was directed, and a summary of its contents. Also indicate the name and address of each person who possesses an original or copy.
- D. The method or manner by which you obtained knowledge of this

information, setting forth, names, dates, times, places and any other details that relate to the manner in which you obtained such knowledge.

E. If the subject information is documentary, will you please without a motion to produce, attach a copy to your answers to these interrogatories.

REQUEST NO. 20:

With respect to Paragraph 15 on Page 6 the Affidavit and Expert Report of Dr. Doug Jacobson, Ph.D., CFCE, under the Heading Conclusions, in which Plaintiffs proposed Expert Witness for this case alleged that Defendant s Internet account and computer were used to download and upload Copyrighted music from the Internet using the KaZaA peer-to-peer network, are you, or any agents or persons acting on your behalf, aware of any fact, observation, document, or item of evidence that, either directly or indirectly, contradicts that particular paragraph? If your answer is anything other than an unqualified No, then for each and every such fact, observation, document, and item of evidence, please set forth the following information separately, specifically and in detail:

A. A detailed description of the fact, observation, document, or item of evidence, setting forth names, dates, times, places and any other information that might assist the identification and location of the subject information.

B. The name, address, telephone number or other means of identification of each person who has possession or first hand knowledge of the subject fact, observation, document, or item of evidence, and that person s relationships to the parties herein.

C. The method or manner by which you obtained knowledge of this

information, setting forth, names, dates, times, places and any other details that relate to the manner in which you obtained such knowledge.

D. If the information is in the form of a writing, please identify the writing by stating its date, author, signatories, purpose, the person to whom it was directed, and a summary of its contents. Also indicate the name and address of each person who possesses an original or copy.

E. If the subject information is documentary, will you please without a motion to produce, attach a copy to your answers to these interrogatories.

REQUEST NO. 21:

With respect to Paragraph 18 of Page 6 the Affidavit and Expert Report of Dr. Doug Jacobson, Ph.D., CFCE, under the Heading Conclusions, in which Plaintiffs proposed Expert Witness for this case alleged that the computer with IP address 24.178.134.148 offered 526 audio and music files, most of them are copyrighted music files, for distribution using the KaZaA program on 8/21/2004 starting at or around 6:55:20 AM EDT through at least 8:31:50 AM EDT, are you, or any agents or persons acting on your behalf, aware of any fact, observation, document, or item of evidence that, either directly or indirectly, contradicts that particular paragraph? If your answer is anything other than an unqualified No, then for each and every such fact, observation, document, and item of evidence, please set forth the following information separately, specifically and in detail:

A. A detailed description of the fact, observation, document, or item of evidence, setting forth names, dates, times, places and any other information that might assist the identification and location of the subject information.

B. The name, address, telephone number or other means of identification of each person who has possession or first hand knowledge of the subject fact, observation, document, or item of evidence, and that person's relationships to the parties herein.

C. The method or manner by which you obtained knowledge of this information, setting forth, names, dates, times, places and any other details that relate to the manner in which you obtained such knowledge.

D. If the information is in the form of a writing, please identify the writing by stating its date, author, signatories, purpose, the person to whom it was directed, and a summary of its contents. Also indicate the name and address of each person who possesses an original or copy.

E. If the subject information is documentary, will you please without a motion to produce, attach a copy to your answers to these interrogatories.

REQUEST NO. 22:

With respect to Paragraph 22 of Page 7 the Affidavit and Expert Report of Dr. Doug Jacobson, Ph.D., CFCE, under the Heading Conclusions, in which Plaintiffs proposed Expert Witness for this case alleged that the music found on the Defendant's computer was downloaded from other users on the Internet, are you, or any agents or persons acting on your behalf, aware of any fact, observation, document, or item of evidence that, either directly or indirectly, contradicts that particular paragraph? If your answer is anything other than an unqualified No, then for each and every such fact, observation, document, and item of evidence, please set forth the following information separately, specifically and in detail:

A. A detailed description of the fact, observation, document, or item of evidence, setting forth names, dates, times, places and any other information that might assist the identification and location of the subject information.

B. The name, address, telephone number or other means of identification of each person who has possession or first hand knowledge of the subject fact, observation, document, or item of evidence, and that person's relationships to the parties herein.

C. The method or manner by which you obtained knowledge of this information, setting forth, names, dates, times, places and any other details that relate to the manner in which you obtained such knowledge.

D. If the information is in the form of a writing, please identify the writing by stating its date, author, signatories, purpose, the person to whom it was directed, and a summary of its contents. Also indicate the name and address of each person who possesses an original or copy.

E. If the subject information is documentary, will you please without a motion to produce, attach a copy to your answers to these interrogatories.

REQUEST NO. 23:

Name, identify, and list each and every Copyrighted Recordings which is owned by or exclusively licensed to one or more of the Plaintiffs in this action, and was downloaded by Defendant from the Internet, including, but not limited to, naming, identifying, and listing the Copyright Owner, the Artist, the Recording Title, the Album Title, and the SR# regarding all such Copyrighted Recording.

REQUEST NO. 24:

Name, identify, and list any and all lawsuits in which Dr. Doug Jacobson was retained as an expert by the RIAA and/or any of the Plaintiffs named in this action.

REQUEST NO. 25:

Name, identify, and list any and all lawsuits in which Dr. Doug Jacobson provided sworn testimony, whether by deposition, audio recording, video recording, affidavit, declaration, sworn statement, testimony from any judicial proceeding, or any other means.

REQUEST NO. 26:

Set forth the names, addresses and relationships to the parties of all persons from whom written statements concerning the subject of this lawsuit which have been taken; indicate the date that each statement was taken and the person who now possesses it.

REQUEST NO. 27:

Do any of Plaintiffs agents, employees, former agents or former employees possess any information, facts, writings or evidence relating to this litigation that has not been fully and completely disclosed during your prior answers to these interrogatories? If your answer to this question is anything other than an unequivocal No, please identify each and every such item of information, fact, writing or evidence specifically and in detail, and in addition, identify the person or persons possessing such information by name, address and relationship to the parties herein.

REQUEST NO. 28:

Are you appearing in this case as a litigant on your own behalf or are you appearing in a representative capacity or in both capacities? If you are appearing in any representative capacity

please set forth the following information specifically and in detail:

- A. Your representative capacity in this litigation (i.e., Are you a Personal Representative, Executor or Executrix of a Decedent s Estate, Guardian Ad Litem, Trustee, etc.?).
- B. Your relationship to the actual parties in interest with respect to this litigation.
- C. Whether or not you were appointed by way of a court order, and if so, please identify that order by setting forth the name and address of the court and the judge who issued it, the date of the order, its heading and the title of the action or proceeding wherein it was issued.
- D. In addition to your representative capacity please set forth details pertaining to any personal interest that you presently have, or anticipate having, in the subject litigation.

REQUEST NO. 29:

Are you appearing in this case as an assignee of any right, claim or chose in action? If so, please set forth the following information specifically and in detail:

- A. The specific nature of the assignment and the consideration, if any, that was paid for the assignment.
- B. The name, address and relationship to the parties of the assignor.
- C. Is there a written instrument of assignment? If so, please identify it by date, title, signatories and a summary of its contents. Also, please indicate whether or not you will, without a motion to produce, attach a copy to your answers to

these interrogatories.

D. In addition to your capacity as an assignee, please set forth details pertaining to any other personal interest that you presently have, or anticipate having in the subject litigation.

REQUEST NO. 30:

Has any Plaintiff to this lawsuit ever been a party to any lawsuit or litigation? If your answer is anything other than an unqualified No, then for each such case and which Plaintiff(s) were involved within the preceding ... years, please set forth the following information specifically and in detail:

- A. The title and nature of the action and a brief description of the particular Plaintiff's role or part in it.
- B. The name and address of the court and the case number.
- C. The resulting verdict or judgment.
- D. The name, address and telephone of all attorneys involved in the litigation.
- E. The name, address and telephone number of each person or entity, other than yourself, who was a party to the litigation.

REQUEST NO. 31:

Please identify the business entity commonly known as Palisade Systems, Inc. by providing a general description of the goods and services that it provides, along with the following information:

- A. State the legal entity of the business (i.e., Is it a Sole Proprietorship, Joint Venture, Unincorporated Voluntary Organization, General Partnership, Limited

Partnership, Limited Liability Partnership, Limited Liability Company, or Corporation?).

B. Set forth the names, addresses, titles and job descriptions of all of the owners and principals (or shareholders, as the case may be).

C. Identify the charter or written instrument under which the subject business entity operates, and indicate its date; also, please identify every governmental department or agency with whom such instrument was filed.

D. Set forth each state with whom the business is registered to conduct business and the date of such registration.

E. Provide the address and telephone number of the principal place of business.

F. State each address wherein the business ever had an office or conducted business; also, please provide the date upon which each facility opened and, if applicable, the date upon which it closed.

REQUEST NO. 32:

Please identify the business entity commonly known as MediaSentry, Inc. by providing a general description of the goods and services that it provides, along with the following information:

A. State the legal entity of the business (i.e., Is it a Sole Proprietorship, Joint Venture, Unincorporated Voluntary Organization, General Partnership, Limited Partnership, Limited Liability Partnership, Limited Liability Company, or Corporation?).

- B. Set forth the names, addresses, titles and job descriptions of all of the owners and principals (or shareholders, as the case may be).
- C. Identify the charter or written instrument under which the subject business entity operates, and indicate its date; also, please identify every governmental department or agency with whom such instrument was filed.
- D. Set forth each state with whom the business is registered to conduct business and the date of such registration.
- E. Provide the address and telephone number of the principal place of business.
- F. State each address wherein the business ever had an office or conducted business; also, please provide the date upon which each facility opened and, if applicable, the date upon which it closed.

REQUEST NO. 33:

Please identify the business entity commonly known as SafeNet by providing a general description of the goods and services that it provides, along with the following information:

- A. State the legal entity of the business (i.e., Is it a Sole Proprietorship, Joint Venture, Unincorporated Voluntary Organization, General Partnership, Limited Partnership, Limited Liability Partnership, Limited Liability Company, or Corporation?).
- B. Set forth the names, addresses, titles and job descriptions of all of the owners and principals (or shareholders, as the case may be).
- C. Identify the charter or written instrument under which the subject business

entity operates, and indicate its date; also, please identify every governmental department or agency with whom such instrument was filed.

D. Set forth each state with whom the business is registered to conduct business and the date of such registration.

E. Provide the address and telephone number of the principal place of business.

F. State each address wherein the business ever had an office or conducted business; also, please provide the date upon which each facility opened and, if applicable, the date upon which it closed.

REQUEST NO. 34:

Describe the organization and role of the Recording Industry Association of America (RIAA), including, but not limited to, any relationship between RIAA to any Plaintiff to this action, MediaSentry, Inc., Dr. Doug Jacobson, Palisade Systems, Inc., and SafeNet, Inc.

REQUEST NO. 35:

Describe Gary Millin s involvement with MediaSentry, Inc., including, but not limited to any and all executive offices Gary Millin has held with MediaSentry, Inc., including the office Mr. Millin held within MediaSentry, Inc. during litigation of the federal lawsuit styled *BMG Canada, Inc., et al. v. John Doe, Jane Doe, and all those persons who are infringing the Plaintiffs Copyright in Sound Recordings*, Court File Number T-292-04, and any current or former contractual or business relationship between Gary Millin and any Plaintiff to this lawsuit, including the name and identity of said Plaintiffs.

REQUEST NO. 36:

_____By whom were you employed on or about August 21, 2004, the date Plaintiffs allege that Defendant offered and distributed five-hundred-and-twenty-six (526) copyrighted audio and music files using the KaZaA program, and the name and identity of any other employer you have served since August 21, 2004 to present day. For each and every such employer, set forth that employer's name, address and telephone number, along with a brief description of the business conducted by the employer; also, set forth your job title and duties.

REQUEST NO. 37:

Describe your relationship with MediaSentry, Inc., SafeNet, Palisade Systems, Inc., and any Plaintiff named either to this lawsuit or the federal lawsuit styled *BMG Canada, Inc., et al. v. John Doe, Jane Doe, and all those persons who are infringing the Plaintiffs Copyright in Sound Recordings*, Court File Number T-292-04 . Were you an agent or employee of that person or entity on the date of the incident forming the basis of this lawsuit, August 21, 2004, or the date of the filing of Plaintiffs Complaint in this action, June 24, 2005? Were you acting within the course and scope of your employment or agency at the time of either occurrence?

REQUEST NO. 38:

A detailed description of the structure and operation of each local area network, wide area network, server, host and Internet access point used by each and every Plaintiff to this action.

REQUEST NO. 39:

Name, identify, and describe the contents of any Privilege Log in the possession of Plaintiffs and/or Plaintiffs Counsel regarding this lawsuit, including, but not limited to, a

reasonably specific description of any and all documents referenced in said Privilege Log and Plaintiffs basis for asserting privilege concerning all such documents.

REQUEST NO. 40:

Name any and all affiliate record labels of any Plaintiff to this action, or any other individual or entity, that holds rights over any sound recording listed on Exhibit B to Plaintiffs Complaint, whether such rights are held thorough ownership or exclusive licence, including the basis for any and all privileges asserted regarding each such document.

Respectfully submitted,

Coker B. Cleveland
(ASB-4299-O36C) (CLE-040)
Attorney for Defendant
Jamie Heard

OF COUNSEL:

CLEVELAND LAW FIRM, LLC

1816 Tin Valley Circle, Ste. C

Birmingham, Alabama 35235

Telephone: 205.453.4702

Cellular: 205.516.3579

Facsimile: 205.419.0704

Email: cbcleveland@hotmail.com

CERTIFICATE OF SERVICE

I, the undersigned hereby certify that a true and correct copy of the above and foregoing was served via CM/ECF to the following, this the 7th day of June, 2006:

Dorman Walker

Kelley F. Pate

Leslie E. Williams

BALCH & BINGHAM, LLP

Post Office Box 78

Montgomery, Alabama 36101-0078

OF COUNSEL