

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CAPITOL RECORDS, INC., et al.
Plaintiffs,

v.

NOOR ALAUJAN,
Defendant.

Civ. Act. No. 03-CV-11661-NG
(LEAD DOCKET NUMBER)

SONY BMG MUSIC ENTERTAINMENT
et al. Plaintiffs,

v.

JOEL TENENBAUM,
Defendants.

Civ. Act. No 1:07-cv-11446-NG
(ORIGINAL DOCKET NUMBER)

WRITTEN DISCOVERY REGARDING FAIR USE

TO: Charles Nesson
1575 Massachusetts Ave.
Cambridge, MA 02138

Pursuant to the Federal Rules of Civil Procedure and the Court's June 16, 2009 Order, Plaintiffs hereby request that Defendant Joel Tenenbaum ("Defendant") provide responses and documents to these requests by July 3, 2009.

FAIR USE INTERROGATORIES

INTERROGATORY NO. 1: Identify each computer, by model and manufacturer, YOU used for file sharing for which you claim the use was fair use, and the time period for which you assert that the use was fair use and the current location of each computer.

INTERROGATORY NO. 2: To the extent that you are claiming that the copying and distribution of seven sound recordings at issue in this case to a website called megapload.com is fair use, describe completely the basis for the defense.

FAIR USE REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1: Please produce all documents and files in all formats, including CD, electronic, and paper, that you intend to rely on to support your fair use defense.

REQUEST FOR PRODUCTION NO. 2: Please produce every paper, report or other academic effort YOU have ever written referring or relating to music.

REQUEST FOR PRODUCTION NO. 3: Every paper, report or other academic effort you have ever written referring, relating or dependant on file sharing.

FAIR USE REQUESTS FOR ADMISSION

REQUEST FOR ADMISSION NO. 1: Admit that the image attached hereto as Exhibit 1, with the caption, "Destroy Capitalism, Support Piracy" is a true and correct copy of an image that was posted to the Internet by your counsel.

REQUEST FOR ADMISSION NO. 2: Admit that the document attached as Exhibit 2 is a true and correct copy of an Internet posting by your counsel on or about March 17, 2009.

Dated: June 22, 2009

SONY BMG MUSIC ENTERTAINMENT;
WARNER BROS. RECORDS INC.;
ATLANTIC RECORDING CORPORATION;
ARISTA RECORDS LLC; and UMG
RECORDINGS, INC.

By their attorneys,

By:



Eve G. Burton, *pro hac*
HOLME ROBERTS & OWEN LLC
1700 Lincoln Street, Suite 4100
Denver, CO 80203
Main Phone: (303) 861-7000
Main Fax: (303) 866-0311

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on June 22, 2009, a copy of the foregoing **WRITTEN DISCOVERY REGARDING FAIR USE** was served upon the Defendant via United States Mail at the following address:

Charles Nesson
1575 Massachusetts Avenue
Cambridge, MA 02138



Eve G. Burton, *pro hac*
HOLME ROBERTS & OWEN LLC
1700 Lincoln Street, Suite 4100
Denver, CO 80203
Main Phone: (303) 861-7000
Main Fax: (303) 866-0311

EXHIBIT 1



DESTROY CAPITALISM
SUPPORT REVOLUTION

EXHIBIT 2



my welcoming speech delivered through the net at the launch of SET in Ascot Highschool, Jamaica.

[+ AUDIO MP3](#)

what are the rules of twitter - who is allowed to play

Published March 17th, 2009 Uncategorized 0 Comments

he's missing a screw
 an economist you don't want running your show
 heart buried too far down in cost benefit analysis
 we saw him here and lost faith in him

been workin' too hard

Published March 17th, 2009 Uncategorized 0 Comments

haven't been bloggin'

morning mail, i should keep you up on it
 amazing stuff, really

just a matter of cut paste share

here's from ray:

[riaa-clinical] Look Out, Honey, 'Cause I'm Using Technology

Inbox X

Reply to all

Forward

Reply by chat

Filter messages like this

Print

Add to Contacts list

Delete this message

Report phishing

Report not phishing

Show original

Show in fixed width font

Show in variable width font

Message text garbled?

Why is this spam/nospam?

Raymond Bilderbeck

to riaa-clinical

show details Mar 16 (1 day ago)

Reply

I was listening to old Genesis tunes played backwards (a definite improvement), but they still didn't seem to be worth \$150,000 each. So for those of you who don't yet know what this case is really about, I've consolidated our seven songs and upped them for your listening displeasure. They can be found here:

<http://tinyurl.com/dfooeg>

pass: hahaowow

I think the real lesson to be learned from all of this is clear. Kids, if you're going to pirate music, make sure you pirate GOOD music.

Hopefully no one disapproves of my brazen, willful and illegal activity. We'll just say that it's part of wide-ranging discovery.

R.

[Substantial non-infringing use? I don't think so]

and here's what i just mailed off through pacer with isaac and my clinical students a stop along the way

please file on pacer as a notice

Reply to all
Forward
Reply by chat
Filter messages like this
Print
Add to Contacts list
Delete this message
Report phishing
Report not phishing
Show original
Show in fixed width font
Show in variable width font
Message text garbled?
Why is this spam/nonspam?
Charles Nesson
to Isaac, riaa-clinical

show details 6:58 AM (7 minutes ago)

Reply

Dear Judge Gertner

I made a mistake by not withdrawing my motion to compel Matt Oppenheim's deposition immediately after the January 22 date had passed. I acknowledge and apologize for this, both to you and to my opponents. I wasted the Court's time. I take seriously the Court's warning about imposing sanctions. I thank you for not imposing them. I will make amends.

Yours sincerely,

Charles Nesson
For Internet & Society
Counsel for Joel Tenenbaum

—

when appropriate (in my judgment) to an open project and not sensitive (in my judgment) in terms of privacy, i may post email to my blog. all privacy requests respected.

private public thanks to doug lichtman

Published March 15th, 2009 Uncategorized 0 Comments

doug, thanks for a good fair presentation. you have started an intelligent conversation. i am grateful to you and to all who are participating. i look forward to your further podcasts and particularly recommend as interviewees pam samuelson, martin redish, tom colby, ben zipursky.

just signed up for a twitter account