

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
Civil Action No. 1:08-CV-00128-BO

CAPITAL RECORDS, LLC. *et al*,)
)
Plaintiffs,)
)
vs.)
)
JOHN DOE,)
)
Defendant.)

AFFIDAVIT OF STEPHEN E.
ROBERTSON

Under penalty of perjury, I, Stephen E. Robertson, hereby depose and say that:

1. I am the attorney for Defendant in the above-entitled action.
2. On behalf of various Doe defendants I represent, both in the above-entitled action, and in several other nearly identical actions in North Carolina, on or about the 27th day of March, 2008, I mailed an inquiry to Terry Wright, Director North Carolina Private Protective Services Board (“NCPPSB”) to complain of the unlicensed and unlawful practices of Plaintiffs’ investigator, MediaSentry, Inc.. A true and accurate copy of the letter is marked Exhibit A, is attached hereto and is incorporated as if fully set out herein.
3. The Director responded to the March 27, 2008 letter on or about the 14th day of May, 2008. A true and accurate copy of the response letter from the Director is marked Exhibit B, is attached hereto and is incorporated as if fully set out herein.
4. Upon the Director’s invitation, I filed formal complaints on behalf of several Doe defendants in near identical actions (EDNC 07-CV-405; MDNC 07-CV-948; MDNC 08-CV-135; EDNC 08-CV-109 and EDNC 08-CV-116).
5. The Director responded by scheduling hearings before the Grievance Committee of the NCPPSB on the 10th day of December, 2008 at 1:00 PM in Raleigh,

North Carolina to examine the allegations specified in the complaint. The Notices of Hearing before the NCPPSB and the complaints that will be addressed at the hearings are marked Exhibit C, are attached hereto and are incorporated as if fully set out herein.

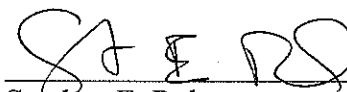
6. The allegations specified in the complaints are that the Big 4 companies who dominate the recording industry, the enforcement/lobbying arm of the music industry – the RIAA – and MediaSentry have devised an investigation scheme that we believe is both illegal and seriously flawed. The scheme is based on secret private investigations by unlicensed, unregistered and uncertified private investigators. These private investigators claim to have entered the hard drives of hundreds, if not thousands, of private North Carolina citizens to look for music recordings stored there. This personal invasion is being investigated in many other states. If music was “discovered” through this process, the private investigators would then sell the identity of the computers’ internet protocol address to the RIAA and the Big 4 record companies. We believe that in all these cases the MediaSentry acquisitions of the data were done by surreptitious means; and the sale of the information to the Big 4, are investigations constituting a series of crimes in North Carolina. According to the Private Protective Services Act, the private detectives and/or private investigators from MediaSentry engage in the profession for the purpose of “[s]ecuring evidence to be used before [a] court ...” N.C. Gen. Stat. § 74C-3(a)(8)e. We believe that MediaSentry’s investigators are not licensed in North Carolina. The Private Protective Services Act specifically requires a license. N.C. Gen. Stat. §74C-2(a).

7. I believe that MediaSentry, Inc. has received a cease and desist order from the Commonwealth of Massachusetts State Police, and a letter stating that “it would be

illegal for MediaSentry to continue acting in the capacity as a [p]rivate [i]nvestigator” from the Maine State Police. My belief rests upon copies I have seen of the aforesaid letters. What I believe to be true and accurate copies of the aforesaid letters are marked Exhibit D, are attached hereto and are incorporated as if fully set out herein.

8. I declare under the perjury laws of the United States of America that the foregoing is true and correct.

Executed on the 9th day of July, 2008.



Stephen E. Robertson
Attorney for Defendant
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Sworn to and subscribed before me this
9 day of July, 2008.

Rebecca M. Anthony
Notary Public

My Commission Expires: 7-21-2011

