

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
Civil Action No. 1:08-CV-00116-FL

WARNER BROS. RECORDS, INC.)
et al,)
)
 Plaintiffs,)
)
 vs.)
)
 JOHN DOE,)
)
 Defendant.)

AFFIDAVIT

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

1. I am the attorney for the 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, I mailed an inquiry to the North Carolina Protective Services Board to complain of the unlicensed and unlawful practices of Plaintiffs' investigator, MediaSentry, Inc..
3. On or about May 16, 2008, I received a letter from Terry Wright, Director North Carolina Private Protective Services Board, stating in pertinent part:


... we understand that individuals claim to have accessed the hard drives of private citizens to look for music recordings that are being stored. If information is found showing that music is being stored, the individual will then sell that information, along with the internet protocol address, to certain companies that are interested in obtaining that information. The information may then be used as evidence in court. In essence, it appears that individuals may be performing services on a contractual basis to determine the identity, habits, conduct, activity, transactions, or acts of individuals.

If the above information supplied is correct and it is found that the individuals do not hold a private investigators license issued by the Board, it is the opinion of the Board's staff that such activities violate the Private Protective Services Act.

A copy of the letter from Mr. Wright is marked Exhibit A, is attached hereto, and is incorporated as if fully set out herein.

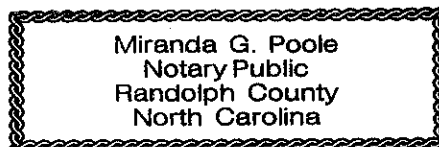
4. Mr. Wright's description of the manner of access and information accessed by MediaSentry is just as described in the Plaintiffs Linares' declaration [docket # 4-1] (pp. 4-6, ¶¶ 11-15).
5. Upon information and belief, at the date and time MediaSentry accessed the personal computer allegedly belonging to the Defendant, there was no company named MediaSentry licensed by the North Carolina Private Protective Services Board.
6. I declare under the perjury laws of the United States of America that the foregoing is true and correct.

Executed on the 10th day of June, 2008.



Stephen E. Robertson
Attorney for Defendant
Robertson, Medlin & Blocker, PLLC
125 South Elm Street, Suite 100
Greensboro, NC 27401
Telephone: (336) 378-9881

Sworn to and subscribed before me this
10 day of June, 2008.
Miranda G. Poole
Notary Public



My Commission Expires: 9-16-2012



**NORTH CAROLINA
PRIVATE PROTECTIVE SERVICES BOARD**

1631 Midtown Place • Suite 104
Raleigh, North Carolina 27609
Phone: (919) 875-3611 • Fax: (919) 875-3609
E-Mail: PPSASL@ncdoj.gov
Web Page: <http://www.ncdoj.com>



EXHIBIT A

May 14, 2008

Mr. Stephen E. Robertson
Robertson, Medlin & Blocker, PLLC
125 South Elm Street
Suite 100
Greensboro, North Carolina 27401

RE: Media Sentry

Dear Mr. Robertson:

We are in receipt of information you supplied to the North Carolina Private Protective Services Board ("Board") regarding Media Sentry. As you are aware, the Board is the governmental agency that regulates the private protective services industry in North Carolina, which includes the regulation of private investigators.

"Private investigators" are defined as individuals who engage "in the profession of or accepts employment to furnish, agrees to make or makes inquiries or investigations concerning the below-listed topics on a contractual basis:

- a. Crimes or wrongs done or threatened against the United States or any state or territory of the United States.
- b. The identity, habits, conduct, business, occupation, honesty, integrity, credibility, knowledge, trustworthiness, efficiency, loyalty, activity, movement, whereabouts, affiliations, associations, transactions, acts, reputation, or character of any person.
- c. The location, disposition, or recovery of lost or stolen property.
- d. The cause or responsibility for fires, libels, losses, accidents, damages, or injuries to persons or to properties.
- e. Securing evidence to be used before any court, board, officer, or investigative committee; or
- f. Protection of individuals from serious bodily harm or death."

See N.C. Gen. Stat. § 74C-3(a)(8).

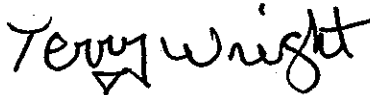
In reviewing the material supplied to us, we understand that individuals claim to have accessed the hard drives of private citizens to look for music recordings that are being stored. If information is found showing that music is being stored, the individual will then sell that information, along with the internet protocol address, to certain companies that are interested in obtaining that information. The information may then be used as evidence in court. In essence, it appears that individuals may be performing services on a contractual basis to determine the identity, habits, conduct, activity, transactions, or acts of individuals.

If the above information supplied is correct and it is found that the individuals do not hold a private investigators license issued by the Board, it is the opinion of the Board's staff that such activities violate the Private Protective Services Act.

This is an informal opinion of the Board's staff and is based on the information you supplied. The information appears to show a violation of the Act; therefore, if you would like to file a formal Complaint with the Board, please contact the Board's office at (919) 875-3611 to obtain a Complaint form.

If you have additional questions, you may contact me at the above number or you may contact Board Attorney Charles McDarris at (919) 828-0731.

Sincerely,

A handwritten signature in black ink that reads "Terry Wright". The signature is written in a cursive style with a small triangle under the letter 'y'.

Terry Wright
Director

TW/vf