

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY Eastern District of Kentucky
ASHLAND DIVISION FILED

APR 23 2008

At Ashland
LESLIE G. WHITMER
Clerk, U.S. District Court

Case No.: 08-cv-0031-HRW

AFFIDAVIT OF ZOLTON ORI
IN SUPPORT OF MOREHEAD
STATE UNIVERSITY'S
MOTION TO QUASH
SUBPOENA

ZOMBA RECORDING LLC, a)
Delaware limited liability company;)
ATLANTIC RECORDING)
CORPORATION, a Delaware)
Corporation; BMG MUSIC, a New York)
general partnership, CAPITOL)
RECORDS, INC., a Delaware)
corporation; ELEKTRA)
ENTERTAINMENT GROUP, INC., a)
Delaware corporation; LAVA)
RECORDS LLC, a Delaware limited)
liability company; MAVERICK)
RECORDING COMPANY, a California)
joint venture; MOTOWN RECORD)
COMPANY, L.P., a California limited)
partnership; SONY BMG MUSIC)
ENTERTAINMENT, a Delaware general)
partnership; UMG RECORDINGS, INC.,)
a Delaware corporation; VIRGIN)
RECORDS AMERICA, INC., a)
California corporation; WARNER)
BROS. RECORDS INC., a Delaware)
corporation; and ARISTA RECORDS)
LLC, a Delaware limited liability)
company,)

Plaintiffs,)

vs.)

DOES 1 – 15,)

Defendants.)

Comes the Affiant, Zolton Ori, being and after first duly sworn states as follows:

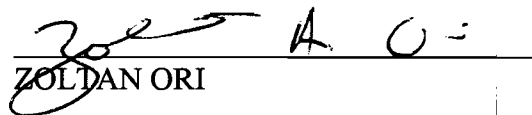
1. I am Assistant Director of Telecommunications for Morehead State University in Morehead, Kentucky.
2. I have been employed by the University in Telecommunications/Network Services for eleven years.
3. In that capacity, I am responsible for maintaining and managing MSU's extensive computer network and am familiar both with the capabilities and limitations of that network.
4. I received a Bachelor of Science Degree in Electronics Engineering in 1978 from Ohio Institute of Technology.
5. I have reviewed a copy of the subpoena served on the University in case 0:08-cv-0031-HRW, including the attached IP addresses alleged by Plaintiffs to have been used by the named Does in the alleged infringement of Plaintiffs' copyrights.
6. I have attempted to identify all fifteen alleged infringers and have been unable to do so.
7. Thirteen of the fifteen Does accessed the content in question from multiple occupancy residence hall rooms at the University. With regard to these Does, the University is able to identify only the room where the content was accessed. No login or personally identifiable information, i.e. authentication, was used by the Does to access the University's network because none is required. The University cannot determine whether the content in question accessed by one occupant as opposed to another, or whether it was accessed instead by a visitor.

8. One of the fifteen Does accessed the content in question from a single-occupancy room at the University. No login or personally identifiable information, i.e. authentication, was used by the Doe to access the University's network because none is required. The University cannot determine whether the content was accessed by the room occupant or a visitor.

9. One of the fifteen Does accessed the content in question from the University's wireless network. These systems do record a user name associated with the access. For this Doe, the University can determine the identity of the individual who has been assigned the user name, however, it is unable to determine whether the content was accessed by the individual assigned that user name or by someone else using the computer associated with the user name.

10. In the case of thirteen of the fifteen Does, I believe it is not possible for the University to identify the alleged infringers without conducting interviews and a forensic investigation of the computers likely involved. For the remaining two Does, it is not possible without investigation to determine if a visitor used the login.

DATED this 17th day of April, 2008.


ZOLTAN ORI

COMMONWEALTH OF KENTUCKY)
COUNTY OF ROWAN)

SUBSCRIBED AND SWORN to before me this 17th day of April, 2008 by
Zoltan Ori.

Sharon S. Baldrige Reynolds

Notary Public, Commonwealth of Kentucky

At Large

My Commission Expires: *April 17, 2010*

