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## BY E-MAIL (sullivannysdchambers@nysd.uscourts.gov)

Hon. Richard J. Sullivan, District Judge U.S. District Court, Southern District of New York 500 Pearl Street, Room 615 New York, NY 10007

> Re: Capitol Records, LLC v. ReDigi Inc. Case No. 12-cv-0095 (RJS) (AJP)

Dear Judge Sullivan:

We are the attorneys for defendant ReDigi Inc. ("ReDigi") in the above-referenced case. I am pleased to report that the parties have agreed to a schedule for discovery and for making summary judgment motions, as reflected in the attached proposed Case Management Plan and Scheduling Order ("CMP"). The parties, however, disagree regarding section 7(d) of the proposed CMP, which sets forth a schedule for amicus curiae briefs in connection with the summary judgment motions.

We have received expressions of interest from law schools and other organizations who wished to file amicus briefs in this case, were unable to do so under the time frame established for the preliminary injunction motion, and have expressed interest in filing amicus briefs in connection with the summary judgment motions. Accordingly, we feel it would be preferable to establish a firm, publicly known, deadline for the filing of amicus curiae motions. Additionally, we think it appropriate to dispense with pre-motion conferences for those motions, since the motions are accompanied by the actual proposed briefs, which obviously will contain all the movants have to say about why they are seeking leave to submit a brief.

We therefore respectfully request that the Court "so order" the attached proposed CMP.

Respectfully,

s/Morlan Ty Rogers

Morlan Ty Rogers

cc: Richard S. Mandel, Esq. (by email <a href="mailto:rsm@cll.com">rsm@cll.com</a>) Jonathan King, Esq. (by email <a href="mailto:jzk@cll.com">jzk@cll.com</a>)