

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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CAPITOL RECORDS, INC. et al.,		)	
	Plaintiffs,	)	Civ. Act. No. 03-cv-11661-NG
		)	(LEAD DOCKET NUMBER)
v.		)	
NOOR ALAUJAN,		)	
	Defendant.	)	
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SONY BMG MUSIC ENTERTAINMENT, et al.		)	
	Plaintiffs,	)	Civ. Act. No. 07-cv-11446-NG
		)	(ORIGINAL DOCKET NUMBER)
v.		)	
JOEL TENENBAUM		)	
	Defendant.	)	
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**DECLARATION OF CHARLES NESSON IN SUPPORT OF DEFENDANT’S  
MOTION TO ADMIT THE INTERNET**

I, Charles Nesson, having been duly sworn according to law, upon my oath state:

1. I am a member of the Bars of the State of Massachusetts. I am counsel for the Defendants in the above-captioned matter, and have personal knowledge of the facts set forth in this Declaration.
2. I submit this Declaration in support the Defendant’s Motion to Admit the Internet.

3. Annexed hereto as Exhibit 1 is a true and correct copy of a report by the Judicial Council of California entitled “Report from the Task Force on Photographing, Recording and Broadcasting in the Courtroom,” and dated May 10, 1996.

4. Annexed hereto as Exhibit 2 is a true and correct copy of a report by the Massachusetts Advisory Committee to Oversee the Experimental Use of Cameras and Recording Equipment in Courtrooms to the Supreme Judicial Circuit, dated July 16, 1982.

5. Annexed hereto as Exhibit 3 is a true and correct copy of *The Hearst Corp. v. Justices of the Superior Court*, No. SJ-96-0047 (Mass. Feb. 1, 1996).

6. Annexed hereto as Exhibit 4 is a true and correct copy of excerpts of the Report of the Proceedings of the Judicial Conference of the United States, dated March 14, 1989.

7. Annexed hereto as Exhibit 5 is a true and correct copy of excerpts of the Report of the Proceedings of the Judicial Conference of the United States, dated September 12, 1990.

8. Annexed hereto as Exhibit 6 is a true and correct copy of the Summary of the Report of the Judicial Conference Committee on Cameras in the Courtroom, dated September 1990, including all appendices thereto.

9. Annexed hereto as Exhibit 7 is a true and correct copy of a report by the Federal Judicial Center entitled “Electronic Media Coverage of Federal Civil Proceedings: An Evaluation of the Pilot Program in Six District Courts and Two Courts of Appeal,” and dated July 1994.

10. Annexed hereto as Exhibit 8 is a true and correct copy of excerpts of the Summary of the Report of the Judicial Conference Committee on Court Administration and Case Management, dated September 1994.

11. Annexed hereto as Exhibit 9 is a true and correct copy of the Report of the Proceedings of the Judicial Conference of the United States, dated September 20, 1994.

12. Annexed hereto as Exhibit 10 is a true and correct copy of a Memorandum from L. Ralph Meacham, Director of the Administrative Office of the United States Courts to All Federal Judges, dated September 22, 1994.

13. Annexed hereto as Exhibit 11 is a true and correct copy of a Statement of the Committee on Court Administration and Case Management of the Judicial Conference of the United States, dated December 5, 1994.

14. Annexed hereto as Exhibit 12 is a true and correct copy of a News Release of the Administrative Office of the U.S. Courts entitled "Judicial Conference Acts on Cameras in Court," and dated March 12, 1996.

15. Since various decisions in 1996 permitting cameras into the Southern and Eastern Districts of New York, see *Marisol A. v. Giuliani*, 929 F. Supp. 660 (S.D.N.Y. 1996); *Sigmon v. Parker Chapin Flattau & Klimpl*, 937 F. Supp. 335 (S.D.N.Y. 1996) (Leisure, J.); *Katzman v. Victoria's Secret Catalogue*, 923 F. Supp. 580 (S.D.N.Y. 1996) (Sweet, J.); and *Hamilton v. Accu-Tek*, 942 F. Supp. 136 (E.D.N.Y. 1996) (Weinstein, J.), CVN has begun to seek permission to cover proceedings by letter application, on notice to all parties, without making a formal intervention motion. These letter applications have resulted in the orders annexed as Exhibits 13-22 and described further below.

16. Annexed hereto as Exhibit 13 is a true and correct copy of an order, dated August 6, 2008 in *CCM Pathfinder Pompano Bay, LLC v. Compass Financial Partners LLC, et. al.*, No. 08-cv-05258 (S.D.N.Y.).

17. Annexed hereto as Exhibit 14 is a true and correct copy of an order, dated November 26, 2007 and file-stamped November 27, 2007, in *GVA Market Neutral Master Limited v. Veras Capital Partners*, No. 07-cv-00519 (S.D.N.Y.).

18. Annexed hereto as Exhibit 15 is a true and correct copy of excerpts of the docket in *American Equities Group, Inc. v. Ahava Dairy Products Corp.*, No. 01-cv-5207 (S.D.N.Y.).

19. Annexed hereto as Exhibit 16 is a true and correct copy of an order, dated March 4, 2008 and file-stamped March 6, 2008, issued in *In re Zyprexa Products Liability Litigation*, Case No. 04-md-1596 (E.D.N.Y.).

20. Annexed hereto as Exhibit 17 is a true and correct copy of an order, dated March 17, 2008 and file-stamped March 18, 2008, issued in *In re Zyprexa Products Liability Litigation*, Case no. 04-md-1596 (E.D.N.Y.).

21. Annexed hereto as Exhibit 18 is a true and correct copy of an order, dated March 20, 2008, issued in *In re Zyprexa Products Liability Litigation*, Case no. 04-md-1596 (E.D.N.Y.).

22. Annexed hereto as Exhibit 19 is a true and correct copy of an order, dated March 25, 2008, issued in *In re Zyprexa Products Liability Litigation*, Case no. 04-md-1596 (E.D.N.Y.).

23. Annexed hereto as Exhibit 20 is a true and correct copy of an order, dated September 8, 2008, issued in *In re Zyprexa Products Liability Litigation*, Case no. 04-md-1596 (E.D.N.Y.).

24. Annexed hereto as Exhibit 21 is a true and correct copy of an order, dated September 2, 2008, issued in *In re Zyprexa Products Liability Litigation*, Case no. 04-md-1596 (E.D.N.Y.).

25. Annexed hereto as Exhibit 22 is a true and correct copy of an order, dated May 23, 2008, issued in *The City of New York v. A-1 Jewelry & Pawn, Inc., et al.*, Case no. 06-cv-2233 (E.D.N.Y.).

26. Annexed hereto as Exhibit 23 is a true and correct copy of a report by the New York State Committee to Review Audio Visual Coverage of Court Proceedings entitled *An Open Courtroom: Cameras in New York Courts, 1995-1997*, and dated April 4, 1997.

27. Annexed hereto as Exhibit 24 is a true and correct copy of a print out from the docket sheet of *Miller v. Countrywide Bank, FSB*, No. 07-cv-11275, containing Judge Gertner's July 8, 2008 electronic order.

I declare that the foregoing is true and correct under penalty of perjury this 23rd day of December, 2008.

/s/ Charles Nesson  
Charles Nesson