

**IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

UMG Recordings, Inc., *et al.*,

Plaintiffs,

vs.

Janne Lanzoni,

Defendant.

Case No. 4:08-cv-3-25

**DEFENDANT'S FIRST SET OF INTERROGATORIES TO
PLAINTIFF SONY BMG MUSIC ENTERTAINMENT**

Pursuant to Rule 33 of the Federal Rules of Civil Procedure, Defendant Janne Lanzoni requests that Plaintiffs in the above-styled action answer the following interrogatories set forth below.

DEFINITIONS AND INSTRUCTIONS

The Definitions and Instructions in Plaintiffs' First Set of Interrogatories, served upon Defendant Lanzoni on or about February 3, 2009, in this action, are incorporated herein by reference, with the exception that the terms "YOU" and "YOUR" are defined to mean Plaintiffs UMG Recordings, Inc.; BMG Music; Sony BMG Music Entertainment; Warner Brothers Records Inc.; and Atlantic Recording Corporation, further including the Recording Industry Association of America, and also anyone acting under the direction of any of them, including MediaSentry, Inc. Although Defendant Lanzoni may find some of the definitions and instructions objectionable, Defendant trusts that Plaintiffs will not object to following their own set of definitions and instructions to the letter. Under Rule 26(g)(2) of the Federal Rules of Civil Procedure, Plaintiffs' counsel's signature upon the discovery requests served upon Defendant

Lanzoni was a certification that the definitions and instructions drafted by Plaintiffs' counsel were not unreasonable or unduly burdensome or expensive, given the needs of the case, the discovery already had in the case, the amount in controversy, and the importance of the issues at stake in the litigation. Please pay particular attention to your definitions and instructions for "STATE THE BASIS." Please follow your own instructions to the letter.

INTERROGATORIES

1. IDENTIFY the PERSONS who are partners in Plaintiff Sony BMG Music Entertainment.
2. Provide full and complete information identifying any "Doe" lawsuit against the person using IP address 70.232.28.96 that YOU filed or that was filed on YOUR behalf, including but not limited to the names of all parties, the case number, the court in which it was filed, the date it was filed, whether the lawsuit is still pending, and the disposition of the lawsuit.
3. STATE THE BASIS for the allegation in paragraph 15 of Plaintiff's Complaint for Copyright Infringement that "The Defendant was identified as the individual responsible for that IP address at that date and time."
4. Separately list all copyright infringement lawsuits filed against any PERSON for alleged use of an ONLINE MEDIA DISTRIBUTION SYSTEM in which the lawsuit was terminated in favor of that PERSON, including but not limited to the names of all parties; the case number; the court in which it was filed; the date it was filed; the name, mailing address, email address, and telephone number for the defendant's counsel in each case or if a defendant appeared *pro se* the same information for that defendant; the identity of any PERSON who was deposed and the subject matter of the deposition, and describe the disposition of the lawsuit (*e.g.*, judgment in favor of defendant after trial, dismissal with

prejudice, summary judgment for defendant, *etc.*). Be sure and include the case of *Atlantic Recording Corp. et al. vs. Tanya Andersen*, Case No. 3:05-cv-00933-AC, in the U.S. District Court for the District of Oregon.

5. List all copyright infringement lawsuits that YOU have filed against any PERSON for alleged use of an ONLINE MEDIA DISTRIBUTION SYSTEM, including but not limited to the names of all parties; whether any class action claims have been asserted, the case number; the court in which it was filed; the date it was filed; the name, mailing address, email address, and telephone number for the defendant's counsel in each case or if a defendant is appearing *pro se* the same information for that defendant; whether the lawsuit is still pending; the disposition of the lawsuit, and the identity of any PERSON who has been deposed and the subject matter of the deposition.

6. List all lawsuits that that any PERSON has filed against YOU after YOU claimed that such PERSON infringed copyrights using an ONLINE MEDIA DISTRIBUTION SYSTEM, including but not limited to the names of all parties; whether any class action claims have been asserted, the case number; the court in which it was filed; the date it was filed; the name, mailing address, email address, and telephone number for the defendant's counsel in each case or if a defendant is appearing *pro se* the same information for that defendant; whether the lawsuit is still pending; the disposition of the lawsuit, and the identity of any PERSON who has been deposed and the subject matter of the deposition. Be sure and include the case of *Tanya Andersen vs. Atlantic Recording Corp. et al.*, Case No. 3:07-cv-00934-BR, in the U.S. District Court for the District of Oregon.

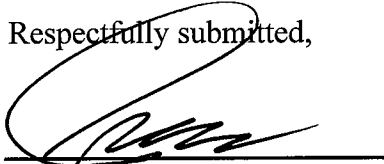
7. STATE THE BASIS for each counterclaim that any PERSON has asserted against YOU in any copyright infringement lawsuit that YOU have filed against any PERSON for alleged use of an ONLINE MEDIA DISTRIBUTION SYSTEM, and identify the lawsuit in which the counterclaim was filed or asserted. Include all claims and counterclaims asserted by Tanya Andersen, either individually or as a member of a class. Please include all claims of bad-faith lawsuits, sham lawsuits, extortion, racketeering, RICO violations, abuse of process, malicious prosecution, fraud, harassment, or conspiracy.
8. State separately for each of PLAINTIFFS' RECORDINGS the total amount of revenue or income that YOU and the Artist (identified in Exhibit A to Plaintiff's Complaint for Copyright Infringement) have received from any source for the reproduction, distribution, and/or performance of PLAINTIFFS' RECORDINGS, and the preparation of derivative works, including but not limited to revenue or income from reproduction, distribution and performance of phonorecords, sales or licensing of albums, sales or licensing of CDs, sales or licensing of records, licensing income, concert ticket sales, royalties, damages paid by any PERSON, and statutory damages. For each concert performance by the Artist where PLAINTIFFS' RECORDINGS were performed, total the revenue received for ticket sales and divide by the number of songs performed to allocate an amount of revenue to each of PLAINTIFFS' RECORDINGS performed at the concert.
9. State separately for each of PLAINTIFFS' RECORDINGS the total amount of statutory damages that have been collected for such copyrighted work.
10. State the total amount that Settlement Support Center, LLC, collected directly or indirectly based upon copyright infringement claims relating to alleged use of an

ONLINE MEDIA DISTRIBUTION SYSTEM, including amounts collected before any lawsuit was filed as well as settlements collected after a lawsuit had been filed.

11. State the total amount that any Settlement Information Line, or any other PERSON that any "Notice to Defendant" directs a defendant to contact, has collected directly or indirectly based upon copyright infringement claims relating to alleged use of an ONLINE MEDIA DISTRIBUTION SYSTEM, including amounts collected before any lawsuit was filed as well as settlements collected after a lawsuit had been filed.
12. STATE THE BASIS for each of PLAINTIFFS' RECORDINGS allegedly meeting or complying with the requirements of 17 U.S.C. §104.
13. State the amount of money that YOU required, or would have required, Defendant Lanzoni to pay in order to obtain YOUR dismissal of this lawsuit against her.

February 18, 2009.

Respectfully submitted,




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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on February 18, 2009, I served a copy of the foregoing discovery request upon Plaintiffs by mailing a copy via First Class Mail in a sealed envelope, postage prepaid, addressed to the last know address of Plaintiffs' counsel of record as follows:

Stacy R Obenhaus
Daniel Charles Scott
Gardere Wynne Sewell LLP
3000 Thanksgiving Tower
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Dallas, TX 75201-4761
Attorneys for Plaintiffs

By: _____


Sid Leach