

**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 REQUESTS FOR ADMISSION TO
PLAINTIFF SONY BMG MUSIC ENTERTAINMENT**

Pursuant to Rule 36 of the Federal Rules of Civil Procedure, Defendant Janne Lanzoni requests that Plaintiff Sony BMG Music Entertainment admit the truth of the following matters set forth below.

DEFINITIONS AND INSTRUCTIONS

The Definitions and Instructions in Plaintiffs' First Set of Request for Admission, served upon Defendant Lanzoni on or about February 3, 2009, in this action, and the Definitions and Instructions in Plaintiffs' Second Set of Request for Admission, served upon Defendant Lanzoni on or about February 6, 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.

REQUESTS FOR ADMISSION

1. Admit that YOU are not attempting to recover actual damages for alleged copyright infringement in this case.
2. Admit that one IP address may be assigned to a device such as a Wi-Fi router that can be used by more than one person at the same time to access the Internet.
3. Admit that an IP address may have been assigned to Defendant Lanzoni's Wi-Fi router on February 21, 2007, and that anyone who connected to the Wi-Fi network in her home could have used that IP address.
4. Admit that an unauthorized user who connected to Defendant Lanzoni's home wireless network and accessed the Internet via her home wireless network on February 21, 2007, could have used IP address 70.232.28.96.
5. Admit that an unauthorized neighbor or visitor could have used Defendant Lanzoni's home wireless network to download PLAINTIFFS' EXHIBIT A RECORDINGS on February 21, 2007, using an ONLINE MEDIA DISTRIBUTION SYSTEM.
6. Admit that an unauthorized neighbor or visitor could have used Defendant Lanzoni's home wireless network to download PLAINTIFFS' SCHEDULE 1 RECORDINGS on February 21, 2007, using an ONLINE MEDIA DISTRIBUTION SYSTEM.
7. Admit that Defendant Lanzoni's home wireless network may be assigned different IP addresses at different times when she connects to the Internet.
8. Admit that Defendant Lanzoni's home wireless network is assigned different IP addresses at different times by her SERVICE PROVIDER.
9. Admit that IP address 70.232.28.96 is not always assigned to Defendant Lanzoni.

10. Admit that one or more PERSONS other than Defendant Lanzoni may have used IP address 70.232.28.96 at various times in the past.
11. Admit that there are sophisticated computer users who know how to send information over the Internet where someone else's IP address has been inserted into the packets of information transmitted over the Internet.
12. Admit that on February 21, 2007, there were sophisticated computer users who knew how to send information over the Internet in which IP address 70.232.28.96 could have been inserted into packets of information transmitted over the Internet.
13. Admit that there are PERSONS downloading SOUND RECORDINGS over the Internet using an ONLINE MEDIA DISTRIBUTION SYSTEM who are sophisticated computer users.
14. Admit that there are PERSONS downloading SOUND RECORDINGS over the Internet using an ONLINE MEDIA DISTRIBUTION SYSTEM who are sophisticated computer users that know how to send information over the Internet in which someone else's IP address has been inserted into the packets of information transmitted over the Internet.
15. Admit that there are PERSONS downloading SOUND RECORDINGS over the Internet using an ONLINE MEDIA DISTRIBUTION SYSTEM who are sophisticated computer users that know how to send information over the Internet which would appear to trace back to an IP address other than their own IP address.
16. Admit that YOU have made mistakes using an IP address to identify the PERSON who used an ONLINE MEDIA DISTRIBUTION SYSTEM to download SOUND RECORDINGS.

17. Admit that YOU have sued innocent persons for copyright infringement who allegedly used an ONLINE MEDIA DISTRIBUTION SYSTEM to download SOUND RECORDINGS.
18. Admit that YOU sued Tanya Andersen for copyright infringement in 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, alleging that she used an ONLINE MEDIA DISTRIBUTION SYSTEM to download SOUND RECORDINGS.
19. Admit that YOU continued to maintain a lawsuit against Tanya Andersen for copyright infringement in 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, alleging that she used an ONLINE MEDIA DISTRIBUTION SYSTEM to download SOUND RECORDINGS, after she provided YOU with evidence and information showing that she was innocent
20. Admit that YOU sued Tanya Andersen for copyright infringement in 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, alleging that she used an ONLINE MEDIA DISTRIBUTION SYSTEM to download SOUND RECORDINGS, and she was awarded attorneys fees by the court.
21. Admit that an IP address is not a reliable way of identifying the person using an ONLINE MEDIA DISTRIBUTION SYSTEM to download SOUND RECORDINGS.
22. Admit that YOU cannot always in every case accurately identify the PERSON who actually used an ONLINE MEDIA DISTRIBUTION SYSTEM to download SOUND

RECORDINGS merely by tracing an IP address to the PERSON that a SERVICE PROVIDER indicates corresponds to that IP address.

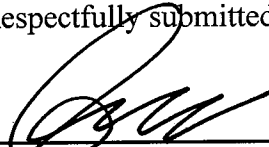
23. Admit that the reliability of matching an IP address to a person is dependent upon the accuracy of the information provided to YOU by a SERVICE PROVIDER.
24. Admit that YOU did not independently verify the reliability the information provided to YOU by Defendant Lanzoni's SERVICE PROVIDER that YOU used as the basis for suing Defendant Lanzoni in this case.
25. Admit that YOU did not give Defendant Lanzoni notice before YOU obtained information CONCERNING Defendant Lanzoni from Defendant Lanzoni's SERVICE PROVIDER.
26. Admit that the information provided to YOU by Defendant Lanzoni's SERVICE PROVIDER that YOU used as the basis for suing Defendant Lanzoni in this case is hearsay.
27. Admit that Defendant Lanzoni is unable to afford to pay litigation costs and attorneys fees in order to defend herself in this case.
28. Admit that YOU are aware that Defendant Lanzoni is unable to afford to pay the costs of defending herself in this case.
29. Admit that YOU do not care whether Defendant Lanzoni is innocent in this case, but are continuing to prosecute this case for purposes other than to enforce YOUR alleged copyrights against an actual infringer.
30. Admit that if Defendant Lanzoni was at work on February 21, 2007, at a location several miles from her home at the time that the alleged act of copyright infringement occurred that is alleged in Plaintiff's Complaint for Copyright Infringement, Defendant Lanzoni

could not have committed the acts of copyright infringement that are alleged against her in Plaintiff's Complaint for Copyright Infringement.

31. Admit that YOU continued to maintain this lawsuit after YOU learned that (1) Defendant Janne Lanzoni is a hard working teacher's assistant who goes to school at night in order to become a school teacher and works 12 hours a day; (2) Defendant Lanzoni was at work on February 21, 2007, at the time that the alleged act of copyright infringement occurred and could not have possibly committed the acts of copyright infringement that are alleged against her in Plaintiff's Complaint for Copyright Infringement; (3) Defendant Lanzoni's home had an open Wi-Fi network for Internet access during the relevant period of time that did not have encryption or other security measures to prevent unauthorized access to the Internet through the Wi-Fi router; and (4) Defendant Lanzoni offered to use encryption on the Wi-Fi network at her home in order to prevent unauthorized access to the home wireless network in the future.
32. Admit that if a class action is certified in 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, then Defendant Janne Lanzoni will be included as a member of the plaintiff class.
33. Admit that in this case YOU did not inform the court of the related 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, as required by Local Rule LR5.2.

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
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Attorneys for Plaintiffs

By: 

Sid Leach